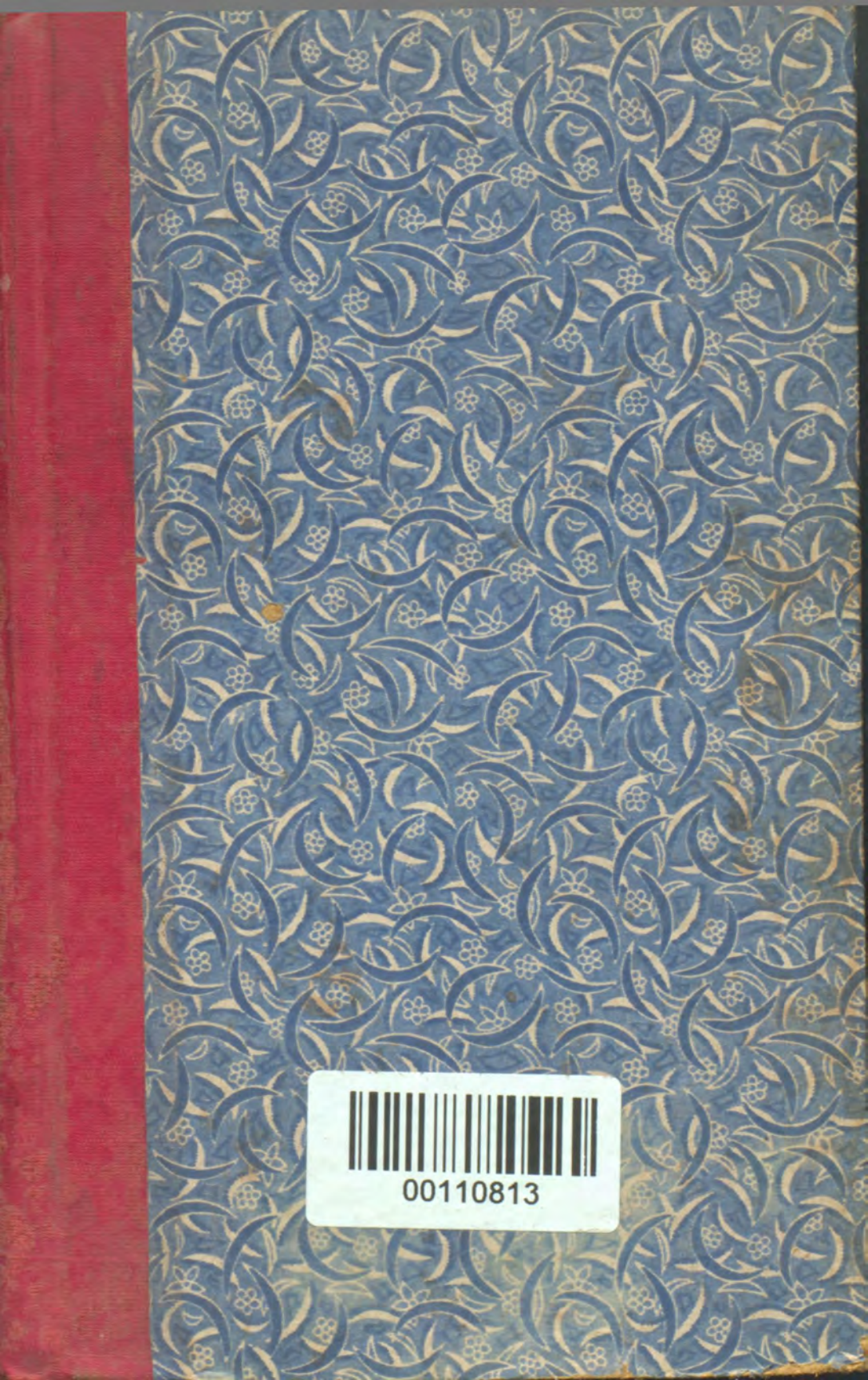
00110813

Digitized with financial assistance from the
Government of Maharashtra
on 16 January, 2016

ARCHIBALD CAMPBELL,

MARQUIS OF ARGYLE.

Engraved by M. Harman

AFTER THE ORIGINAL AT INVERARY.

Published by Blackie Fullarton & Cº Glasgow.
& A. Fullarton & Cº Edinburgh.

THE

HISTORY OF THE SUFFERINGS

OF THE

CHURCH OF SCOTLAND

FROM THE

RESTORATION TO THE REVOLUTION

BY THE

REV. ROBERT WODROW
MINISTER OF THE GOSPEL AT EASTWOOD.

WITH

AN ORIGINAL MEMOIR OF THE AUTHOR, EXTRACTS FROM HIS CORRESPONDENCE, A PRELIMINARY DISSERTATION, AND NOTES,

110813

BY THE

REV. ROBERT BURNS, D.D. F. A. S. E.
MINISTER OF ST. GEORGE'S, PAISLEY; AUTHOR OF HISTORICAL DISSERTATIONS ON THE POOR OF SCOTLAND; TREATISE ON PLURALITIES, ETC.

IN FOUR VOLUMES.

VOL. III.

GLASGOW:
PUBLISHED BY BLACKIE, FULLARTON, & CO.
AND A. FULLARTON & CO., EDINBURGH.
M.DCCC.XXIX.

CONTENTS OF VOLUME THIRD.

BOOK III. FROM 1679 TO 1688.

CHAP. I. Of the state of affairs from the beginning of the year 1679, to the rising which ended at Bothwell, 2.

Sect. 1. Of the proceedings against presbyterians for conventicles, and other branches of nonconformity in the beginning of this year, 1679, 2.

Sect. 2. Of the more public proceedings, proclamations and state of affairs from January till May, 1679, 11—proclamation, February 6th, 1679, 15—council's act about the forces, February 13th, 1679, 16—speech, Sir Francis Winnington, to the house of commons, 27—speech of the earl of Shaftesbury to the house of lords, March 24th, 1679, 27—reasons against a popish succession, 29—proclamation about major Johnston, March 12th, 31—act of council, March 12th, 1679, 32—commission, committee at Lanark, Edinburgh, April ult. 1679, 34—report, committee at Lanark, April 4th, 1679, 35.

Sect. 3. Of the violent death of the archbishop of St Andrews, Saturday, May 3d, 1679, 40—narrative of the murder of the archbishop, published by authority, 45 & 49.

CHAP. II. Of the rising this year in the west of Scotland, which ended by the defeat at Bothwell-bridge, June 22d, 1679, 49—proclamation for discovery of the murderers of the archbishop of St Andrews, May 4th, 52.

Sect. 1. Of the consequents of the primate's death, procedure of the privy council, and other things till the end of May, 1679, 52—proclamation against arms, May 8th, 1679, 56—instructions to sheriff-deputes of Fife, 57—proclamation against arms at conventicles, May 1679, 58.

Sect. 2. Of the occasions, causes of, and inlets to the rising at Bothwell, 61.

Sect. 3. Of the declaration at Rutherglen, May 29th, and the first rencounters, and smaller skirmishes at Drumclog and Glasgow, in the beginning of June, 65.

Sect. 4. Of the procedure of the council and motions of the king's forces, until the duke of Buccleugh and Monmouth's coming down, June 18th, 1679, 72—proclamation against rebels in arms in the west, June 3d, 1679, 72—proclamation for the militia's being in readiness, June 5th, 1679, 73—proclamation calling out heritors to attend the king's host, June 7th, 1679, 74—letter containing advice to a gentleman going to the army, June 7th, 1679, 76—council's letter to Lauderdale, June 3d, 1679, 82—council's letter to Argyle, June 9th, 1679, 84—Lauderdale's letter to chancellor, June 9th, 1679, 85—council's letter to Lauderdale, June 13th, 1679, 85—Lauderdale's letter to chancellor, June 11th, 1679, 86—letter, council to Lauderdale, June 15th, 1679, 87.

Sect. 5. Of the state, declarations and divisions of the west country army, from their leaving Glasgow till the march of the army under the duke of Buccleugh, 89—declaration, June 1679, 94—two letters from Linlithgow to the chancellor, June 17th and 18th, 1679, 99.

Sect. 6. Of the arrival of the duke of Monmouth, and march of his army, the continuing divisions, and supplication of the west country army, with an account of their engagement and defeat at Bothwell-bridge, 99—king's letter to council, June 16th, 1679, 100—council's answer to the king's letter, 1679, 100.

CHAP. III. Of the consequents of this rising and defeat at Bothwell, and other things this year, 1679, 111.

Sect. 1. Of the immediate consequents of the defeat at Bothwell, the harassing the country, and the actings of the government and soldiers, 111—council's letter to Lauderdale, June 22d, 1679, 113—proclamation against rebels, June 26th, 1679, 114—king's letter to council, June 29th, 1679, 116—indemnity after Bothwell, July 27th, 1679, published August 14th, 118.

Sect. 2. Of the treatment of the prisoners taken at and after Bothwell, 123—letter, king to council, August 15th, 1679, 128.

Sect. 3. Of the trial and execution of Messrs John Kid and King, August 14th, 1679, and the trial and death of the five who suffered, November 18th, at Magus-moor, 132.

Sect. 4. Of the circuits held, and the gentlemen who were forfeited after Bothwell this year, 140—proclamation for circuit-courts, August 14th, 1679, 140.

Sect. 5. Of the state of presbyterians who had not been concerned in Bothwell, their third indulgence, the debates betwixt duke Hamilton and Lauderdale, and some other things this year, 147—presbyterians' address to the duke of Monmouth, 1679, 147—proclamation suspending laws against conventicles, June 29th, 1679, 149—proclamation against conventicles, November 13th, 1679, 156—proclamation anent the rebels who have not yet taken the bond, November 13th, 1679, 157—answer out of the west, to a question out of the north, 1679, 163—letter, council to the king, July 11th, 1679, 167—commission in favours of James, duke of Buccleugh, July 29th, 1679, 172—proclamation against murderers of the archbishop, September 20th, 1679, 173—report about the model of the militia, December 18th, 1679, 175.

CHAP. IV. Of the state and sufferings of presbyterians during the year, 1680, 176.

Sect. 1. Of the persecutions relative to Bothwell rising, for nonattendance on the king's host, and the forfeitures this year, 1680, 177.

Sect. 2. Of the more general procedure of the council relative to presbyterians this year, the repeal of the third indulgence, and other hardships on them, 181—two commissions, April 8th, 1680, 188.

Sect. 3. Of the persecution up and down the country, from the donators, by courts and otherwise, and the hardships noblemen, gentlemen, ministers and others underwent for nonconformity this year, 189—letter, council to the king, anent lord Cardross, February 12th, 1680, 193.

Sect. 4. Of the Queensferry paper, the first declaration at Sanquhar, and their consequents,

with an account of the engagement at Ayrsmoss, July 21st, 1680, 200—Queensferry paper, 207—Sanquhar declaration, 1680, 212—proclamation against R. Cameron and others, June last, 1680, 215—Rathillet's account of Ayrsmoss, 219.

Sect. 5. Of those who were executed after Ayrsmoss, and other branches of persecution which followed it, of the Torwood excommunication, the proceedings of the council upon it, and some more executions this year, 221—proclamation, November 22d, 1680, 229—letter, council to the king, anent Mr Donald Cargill, November 22d, 1680, 231.

Sect. 6. Of some proceedings in council this year, the trial of my lord Bargeny, and other incidental matters which fell out this year, 232—council's letter, November 2d, 1680, 238.

CHAP. V. Of the state and sufferings of presbyterians during the year 1681, 241.

Sect. 1. Of the procedure of the council, their proclamations, and the more general harassing of the country, by courts, soldiers, and informers, 242—proclamation against field-conventicles, April 8th, 1681, 244—proclamation for a fast, June 16th, 1681, 246.

Sect. 2. Of the proceedings of the justiciary this year, against many heritors for alleged being at Bothwell, and their process against John Spreul, with the pleadings before them, upon torture and other points, 249.

Sect. 3. Of the sufferings of particular gentlemen, ministers, and others this year, not unto forfeiture or death, 262.

Sect. 4. Of the sufferings unto death, and public execution of Mr Donald Cargill, and a great many others this year, 1681, 274—Mr Donald Cargill's last speech, July 27th, 1681, 282—Mr James Boig his testimony, in a letter, July 27th, 1681, 284.

Sect. 5. Of the laws and acts made in the parliament, which met July 28th, this year, in as far as they relate to the church, 287—king's letter to the parliament, read July 28th, 1681, 288—duke of York's speech to parliament, 288—parliament's letter to the king, August 1st, 1681, 289—act ratifying all former acts anent religion, August 13th, 1681, 290—act 2. parl. 3. Charles II. anent succession, 291—act 4, for securing the peace, 293—act 6, anent religion, and the test, 295.

Sect. 6. Of the imposition of the test, its explications, and the begun persecution upon it this year, 1681, 295—act 17, additional act anent this test, 299—bishop and synod of Aberdeen their sense of the test, 308—bishop of Dunkeld, and clergy of Perth, their sense of the test, 308—act of council, November 3d, explaining the test, 309—king's approbation of it, November 15th, 1681, 309.

Sect. 7. Of the trial of the noble earl of Argyle for his explication of the test, his sentence and escape in December this year, 312—earl of Argyle's explanation of his explication, 317—No. 1. indictment against the earl of Argyle, 319—earl of Argyle's speech after his indictment, 321—Sir George Lockhart's plea for the earl of Argyle, 323—the king's advocate's argument and plea, 327—Sir John Dalrymple's reply to the king's advocate, 330—Sir George Lockhart's reply to the king's advocate, 333—the king's advocate's triplies, 335—proclamation anent the earl of Argyle, December 21st, 1681, 339.

Sect. 8. Of several other things this year, which fell not in on the former sections, 344—council's act about the college of Edinburgh, February 1st, 346—Gib's blasphemous paper, May 1st, 1681, 350—Mr Cargill's letter to the prisoners in the Canongate tolbooth, 353.

CHAP. VI. Of the state and sufferings of presbyterians during the year 1682, 357.

Sect. 1. Of the further proceedings about the test, the changes in public posts, and other incidental matters this year, 358—council's letter about the earl of Argyle's jurisdictions, January 31st, 1682, 361—letter, Scots bishops about the duke of York, March 9th, 1682, 365—council's letter to the king, about the duke of York, May 20th, 1682, 365—French king's edict, March, 1682, 366—Protestatio Cleri Gallicani, May 6th, 1682, 368.

Sect. 2. Of the procedure, proclamations, commissions, and other actings of the council against conventicles and suffering presbyterians this year, 369—commission to Claverhouse for Wigton, January 31st, 1682, 370—commission to Atchison for Renfrew, June 8th, 1682, 375—proclamation, July 8th, 1682, 375.

Sect. 3. Some general account of the persecution up and down the country this year, 381.

Sect. 4. Of the sufferings of the reverend Mr Patrick Warner, Mr Henry Erskine, and some other presbyterian ministers and gentlemen this year 1682, 391.

Sect. 5. Of the criminal prosecutions before the justiciary, and public executions of the sufferers this year, 407.

CHAP. VII. Of the state and sufferings of presbyterians during the year 1683, 420.

Sect. 1. Of the proclamations, commissions, and instructions given in order to the further prosecuting of presbyterians this year, 421—proclamation about pedagogues, June 4th, 1683, 427—commission for Ayrshire, July 28th, 1683, 428—act, magistrates of Edinburgh, against conventicles, December 19th, 1683, 432.

Sect. 2. Of the sufferings of some particular gentlemen, ministers, and others this year, 433.

Sect. 3. Of the criminal processes before the justiciary, and the public executions this year, 448.

Sect. 4. Of the circuit courts held up and down the country, with some other severities following them this year, 475—proclamation for circuits, &c. April 18th, 1683, 475.

Sect. 5. Of some other branches of persecution, the plot, and other incidental things this year, 498—proclamation against the duke of Buccleugh and other traitors, July 4th, 1683, 499—English declaration for thanksgiving, September 9th, 1683, 501—proclamation for a thanksgiving, August 7th, 1683, 503—decree of the university of Oxford, July 21st, 1683, 506—petition of French protestants, July 1683, 507—another petition presented by M. Schomberg, for the French protestants, 509.

THE

HISTORY

OF THE

SUFFERINGS

OF THE

CHURCH OF SCOTLAND.

BOOK THIRD.

FROM BOTHWELL-BRIDGE TO THE REVOLUTION.

1679. THE large accounts given in the former books, may let the reader into somewhat of the state of things and persons in Scotland, under the black period I now enter upon: the former scene was dark enough, and the rigours and severities of it natively paved the way for more horrid things in the years before me. Since Pentland engagement till this period, it was comparatively but a few who were banished, and suffered unto blood; and there was some kind of shadow from the present iniquitous laws, to countenance what was done this way: but in the period we are now entering upon, besides the new barbarous laws made, the execution of them was bloody and very extensive; and the blood-thirsty executioners, in many cases, gave not themselves the trouble to keep by their own laws, but harassed and murdered in the public roads, open fields, and almost every where upon the south side of Tay. A very small part of this inhumanity can now be represented, in comparison of what might have been, had this history been writ thirty years ago; yet, as much is come to my hand, as may astonish the reader, and make him value our present and happy settlement: and from the papers I have had access to, I shall essay some account of it. Indeed the difficulties in giving a distinct and methodical history of the nine years before me, are far greater than I met with in the preceding books: the multitude of instances, with the want of dates in some, otherwise very distinct, accounts before me, increase these; and the nature and circumstances of not a few of the acts of cruelty, were such, as public documents cannot be expected to vouch; therefore, I promise myself, the reader will take in good part the accounts I am able at this distance to give, after all the pains I have been at to have them well vouched, though they are not, in some cases, what I wish I were able to give.

The field before me is so vast, and the incidents so various, that I shall not offer any general scheme of them. As much as may be, this book shall be divided by the years it contains the history of; but this remarkable year I begin with, affords so much matter, hath been so much misrepresented by the advocates for the severities of this time, and, if I mistake not, is so very little known to many presbyterians themselves, that it will take some time to go through it.

From this melancholy year 1679, a new and horrid scene of cruel, and, in this nation, unparalleled severity, hath its date. Matters in this church and kingdom take a new turn. The former hardships, new severities and oppressions in the beginning of

1679. this year, with several unforeseen incidents, drew on a rising this summer. This native fruit of their own oppression, was greedily laid hold on by the prelates and managers, to exasperate the government, and screw up the persecution to a terrible height, this and the succeeding years; and the duke of York's coming down some little time after Bothwell engagement, did not a little help this forward. Upon this turn of affairs, the sufferings of presbyterians altered somewhat from their former state, and the violence of the persecutors vented itself in new and unheard of methods: and though I am very far from vindicating any excesses that oppression and a long tract of severity might force any to, yet I hope the candid and fair account I have to give of plain matters of fact, will sufficiently remove the aspersions and reproaches cast most maliciously, and without the least shadow of ground, upon the body of presbyterians who suffered during this period.

In the beginning of this year, the council and other courts went on in their former channel of persecution, until the remarkable incident of the murder of the archbishop of St Andrews. This, in some measure, opened the way for a gathering in arms in May and June. The occasions, beginning, progress of this rising, and defeat of the people who rose, need the more distinct consideration, because, as far as I can find, we have as yet no tolerable accounts of them; and the state of matters, after their dispersing, wants likewise to be set in its due light. This history then, as far as this year carries us, will take up three chapters, one with relation to what passed before the rising, another to give some view of the occasions, progress, and dissipating of this rising at Bothwell-bridge, and the last will contain the state of things during the rest of this year.

CHAP. I.

Of the state of affairs from the beginning of this year, unto the rising which ended at Bothwell.

Such a multitude of things, and all of them some way or other tending to enlighten the circumstances of suffering presbyterians, offer themselves to me now, that I am obliged to parcel them out in different divisions, the best way I may, in the order of time they fell out; and though this method perhaps will not be so agreeable to the nicer taste of some critical readers, yet I am necessarily led to it by the variety of my matter; and as it was needful to myself, in order to bring my materials into some kind of shape and coherence, so it will not be altogether useless to the reader, to give him the distincter views of things, and help him to mind them the better. The public registers give the surest and plainest hints, as far as they go; and from them I shall carry down the accounts of prosecutions, and other hardships for conventicles and nonconformity this year before Bothwell. And after those accounts of particular persons, I shall give a more general view of the state of affairs until the beginning of May, when the death of the primate fell in. These will be subjects for three sections.

Sect. I.

Of the proceedings against presbyterians for conventicles, and other branches of nonconformity, in the beginning of this year 1679.

I design this place for a narrative of what was done against presbyterians before Bothwell from the council and justiciary registers, that so the accounts of the more general management this year, the particulars of the death of bishop Sharp, with the history of the rising which ended at Bothwell may be the less interrupted afterwards.

None of the various methods made use of in the former period, for hindering the preaching of the gospel by presbyterian ministers, had their wished for effects to the prelates. The more moderate part of the managers had prevailed to get an indulgence, at first very much clogged, and year after year more and more cramped. The violent side had got down the barbarous Highland host, and almost laid the west country desolate; and this, towards the end of the last year, was succeeded by a rigorous exaction of the cess imposed by the convention: yet

conventicles in houses and fields were still continued, and great numbers of good people were resolved to venture their all, before they would want the benefit of ordinances purely dispensed.

The council, and justice-court, by their order, are not idle, but very diligent in every thing which may discourage and prevent nonconformity to the established church. Thus, January 2d, I find the council did write a letter to the bishop of Edinburgh, who, to be sure, was not backward, but desired such orders, appointing him to call before him all the masters of the college of Edinburgh, and all schoolmasters in that town and other places of his diocese, and inquire if they had taken the oaths appointed by law, and oblige such as had not, presently to take them, or deprive them of their offices and benefices. I have formerly noticed the care of the managers, that all concerned in the education of youth should be of their own kidney; and yet at this very time many excellent youths had the benefit of university-learning, who have been singular instruments for the good of many, since these times of heavy persecution. At the same time, letters are writ to the archbishop of St Andrews, and the bishop of Aberdeen, to undertake the same work in these universities. No orders are given with relation to the university of Glasgow, whether because the bishop of that place was present in council, and received his orders personally, or from what other reason, I know not. Upon the 6th of February, I find a report from the bishop of Edinburgh, made to the council upon this head, which, with the council's orders thereupon, I have inserted. "The council having considered the return made to them by the bishop of Edinburgh, in obedience to their letter of the 2d of January last, for calling before him the principal, professors, regents, and the masters of the college of Edinburgh, as also such persons who teach any public school within the town of Edinburgh, Leith, Canongate, or suburbs thereof, without his license, and requiring them to subscribe under their hands, the oaths of allegiance and supremacy, and that they submit to, and own the government of the church by archbishops, and its establishment, conform to the 4th Act of the 2d Session of his majesty's first Parliament, with the report of a committee of their own number thereanent. They find the return made by the bishop of Edinburgh satisfactory, except as to the persons following, Mr Alexander Dickson professor of the Hebrew language in the college of Edinburgh,* Mr Alexander Herriot schoolmaster of the High school of Edinburgh, Mr George Sinclair schoolmaster in South Leith, and Mr George Allan his assistant, Mr Alexander Strang schoolmaster in the Canongate, and Mr John Govan his assistant, and Mr James Scot, junior, one of the masters of the High school, who have not subscribed as aforesaid: and therefore the lords of his majesty's privy council do ordain the magistrates of Edinburgh, and other patrons, to put to execution the certification of the foresaid act, especially against the foresaid persons who have refused to give obedience, by removing them from their respective charges foresaid, and putting other sufficient persons, qualified conform to the said act of parliament, in their places, except, betwixt and the first day of March next, they give obedience in manner foresaid." Whether any of these worthy men complied, I have not learned; several of them, I know, did not, and underwent a course of suffering. The council find the reports from the rest of the colleges satisfying. That same day, a letter 1679.

* Mr Dickson was the son of the justly celebrated Mr David Dickson, professor of divinity, first at Glasgow, and afterwards at Edinburgh. He was chosen in 1656, to the Hebrew chair, and translated from Newbattle where he had been minister. He succeeded the learned Jew, Dr Conraddus Otto, who was the first that taught Hebrew in the college of Edinburgh, and who received his appointment in 1640. Mr Dickson had been examined by five ministers of the city as to his qualifications, and they reported him to be "very fitting to be a professor of the Hebrew tongue;"—"but they could not say that he was knowing in the oriental tongues, or fitting to be a professor of divinity." The report was honourable to the integrity of the examinators, all whose private feelings must have been in favour of the son of their worthy colleague; and it reflects credit on the learning of the men, and the high sense *then* entertained of the qualifications necessary for holding theological chairs. Mr Dickson was inducted into the chair, and for thirty years taught the Hebrew language with faithfulness and credit. Council Register, xix. p. 146. Bower's History of the University of Edinburgh, vol. i. p. 255.—*Ed.*

1679. comes from the king to the council, ordering Sir Patrick Hume of Polwart to be sent under a guard from the castle of Dunbarton to that of Stirling. His lady is allowed to be in the room with him.

January 6th, Mr Thomas Warner, who outlived this melancholy period, and many of his fellow sufferers in the ministry, to be very useful since the revolution, and died in a good old age, in full assurance of faith, September 10th this year I am writing in, (1716.) being the last of the antediluvian presbyterian ministers; that is, such who had seen the glory of the former temple, and were ordained before the restoration; this excellent person, I say, was cited before the council, and a libel was given in against him, bearing, 'that whereas he had been indulged to the parish of Balmaclellan, (in Galloway, to which he had been ordained, and where he continued till his death) he had broke his confinement, been present at house and field conventicles, had preached and prayed at them, and conversed with intercommuned persons.' He not compearing, is denounced and put to the horn. And February 18th the council pass the following act against Mr Warner. 'The lords of his majesty's privy council considering, that Mr Thomas Warner, late minister at Balmaclellan, is declared fugitive for his declared contumacy, in not compearing before them on the 16th of January last, to have answered at the instance of his majesty's advocate, for preaching in the fields with Mr John Welsh, communing and corresponding with him and other declared traitors and intercommuned persons, with other disorders of that nature; the parishioners of Balmaclellan are discharged to pay to the said Mr Thomas Warner any of the stipend this year, or in time coming, till they receive further orders; and appoint the solicitor to acquaint the parishioners.'*

The same day several gentlemen, some of them of known piety, meet with the same treatment; Gordon of Earlston, Gordon of Holm, Gordon of Overbar, Neilson of Corsack, George M'Cartney of Blaicket, Maxwell of Hills, Hay of Park, Macdougal of Freuch, Macdougal of Corrochtree, James Johnston, late provost of Stranraer, William Spittle at Port, ——— Johnston collector there, Mr William Cathcart, and John Inglis, commissary of Kirkcudbright, being cited to answer for being present at house and field conventicles, since the year 1674, and for reset and converse with intercommuned persons, and not compearing, are all ordered to be denounced, and put to the horn. The last named John Inglis, commissary of Kirkcudbright, is further proceeded with, February 25th, and the council declare his place to vaik, and recommend it to the bishop of Galloway, to put another in his room. March 11th, a petition is presented for him, with a certificate that he was unable to travel. In the petition he engages to live orderly in time coming. He is remitted to the bishop of Galloway, to be reponed or not, as he finds cause.

In persecutions for conventicles, no age almost was thought too young to be attacked. Some time ago, a boy, not much above thirteen years of age, had been seized at a conventicle, and was carried to prison. After he had continued some weeks there, and would make no compliances, some of the counsellors were informed about him; and, being ashamed of such severity to one who was, as it were, but a child, I find the following order given. January 23rd, 'the lords of his majesty's privy council give warrant to the bailies of Leith, to set at liberty James Lawson, a boy about the age of fourteen years, prisoner there, upon the account of conventicles.' We shall afterwards meet with some more of these young sufferers.

January 9th, there is a petition presented to the council by Margaret Barclay, niece to Sir David Barclay of Collernie, prisoner in the tolbooth of Edinburgh for conventicles, supplicating for liberty, because she is valetudinary, and that she may recover her health. She is ordered to be liberated, upon caution of 500 merks, that she re-enter the tolbooth of Edinburgh the 20th instant, if

* Mr T. Warner, or *Verner*, as the name used to be written, was the brother of Mr Patrick Warner of Irvine, the father-in-law of our historian, and who, after many troubles, (as afterwards noticed) did survive the revolution, but died before his brother Thomas. They were both eminent for piety and talent, and hold a high place among the worthies of the church.—*Ed.*

called, or when called; and that in the mean time she confine herself to her chamber under the same penalty. This hardship of imprisoning gentlewomen till they turn sickly, merely for hearing the gospel, is peculiar to this period I am giving the history of.

Last year in November, Mr John Wallace indulged at the Largs, and Mr Patrick Simpson indulged at Kilmalcom, had been cited before the council, for breaking their confinement. Mr John Wallace appeared, and was remitted to the committee for public affairs. And this year, February 15th, I find the council again call Mr Simpson, and, upon his non-compearance, they order him to be denounced. What kept him from compearing I know not, but it hath been some necessary excuse, for I know he continued several years after this in the peaceable exercise of his ministry in that place. Mr John Wallace is called before the council, February 18th, and no probation being adduced as to his breach of his confinement, he deponed upon the verity of his libel, and frankly told them how matters stood, as to that practice common to him and his brethren. It was but few of the council were for depriving him of his indulgence upon this score, and so other occasions against him were sought: and being called in, after he had been removed, the council interrogated him, as they say, for the further clearing of his deposition, though, as far as I can find, his deposition had no connection with this, 'whether he would for the future refuse to give baptism to the children of such parents as took the bond for public peace.' This being new to him, and what he did not understand the design of, he craved he might be spared as to such things as related to the discharge of his ministerial office. He is presently removed, and the council decern him to have lost the benefit of his indulgence at the Largs, or any where else; and appoint their sentence to be intimated to the parishioners, that they may pay him no more stipend. I do not find the indulged ministers were before challenged upon this score.

At this time, no doubt upon application from Glasgow, the troubles we heard that good man and his family Thomas Blackwell underwent, are renewed by the council. And February 18th, 'the magistrates of Glasgow being formerly ordained to take possession of the house and goods of Thomas Blackwell a fugitive, who broke prison, for their relief of ten thousand merks, wherein they were fined for the said Blackwell and William Stirling their escape, yet the said Thomas Blackwell's spouse having got back the keys, and re-entered to the possession of what her said husband had, he being fugitive, and in the company of Mr John Welsh, and one of his guard; the lords of council ordain the said magistrates to return to their possession according to the decreet of council.' 1679.

February 20th. The council being informed that John Arnot in Greenside, William Page in George Marshall in Balvaird, have for four years withdrawn from public ordinances, and been present at field conventicles in Glenveal, and other places in Fife, kept by Messrs Thomas Arnot, John Welwood, John Rae, David Urie, Alexander Shaw, and other intercommuned and vagrant ministers, they all compearing, and confessing they had been at conventicles, the council fine William Page in a thousand pounds, John Arnot in five hundred merks, and George Marshall in a hundred pounds Scots; and ordain them to lie in prison till they pay the same. Upon the 27th of February, the council having cited before them Mr Samuel Nairn, brother to the laird of Sandford, Mr James Rymer in Pitlochie, James Thomson, Miller, William Beltie, Thomas Ness, James Ness, John Wishart, and David Ready, to answer to the charge of being at house and field conventicles since the year 1674. They not compearing, are all denounced and put to the horn. The same day Mr James Dalrymple, a person not in orders, that is, in the style of the registers, one ordained by presbyterian ministers since they were outed, is informed against as having taken upon him to preach in the fields, and likewise within the city of Edinburgh: it was urged by way of aggravation, that he had been taken at a conventicle in the year 1676, and was dismissed in hopes of good behaviour in time coming; yet since that time he hath preached at field conventicles,

1679. and conversed with intercommuned persons; and January last he kept a conventicle in the house of James Fea; the said James and other hearers of him are called by the council, and fined in a hundred merks each, and Mr James Dalrymple is continued.

A very severe prosecution of a worthy lady yet alive follows. March 4th, Sir William Fleming of Ferm and his lady, appear before the council, and a libel is read at the instance of his majesty's advocate, bearing, "that whereas Mr John Welsh and some others having kept a conventicle at Langside, in the parish of Cathcart, and shire of Renfrew, upon February 9th last; and dame Margaret Stuart, spouse to Sir William Fleming of Ferm, commissary of Glasgow, and Macdougal, spouse to William Anderson, late provost of Glasgow, were present at the said field conventicle upon high chairs on either side of Mr John Welsh, and kept company with the said Mr Welsh at other times: the premisses being verified, their said husbands be decerned to pay to the treasury the fines they have incurred." It was further charged, that since the first of October last, there have been field conventicles kept in the house of the said Sir William Fleming of Ferm, in regard some were without doors, at which Messrs John Dickson, Robert Muir, Gilbert Kennedy, James Wallace, John Pettigrew, Alexander Hasty, John Law, Andrew Morton, Donald Cargill, James Drummond, James Kennedy, James Wodrow, Matthew Crawford, John King, William Wardroper, or one or other of them did preach, pray, or expound Scripture, and were entertained before or after the said conventicles by the said lady; and that she was present at the Craigs of Glasgow at several conventicles kept by some of the foresaid, and hath withdrawn from her parish kirk. The lady acknowledged she was at the conventicle at Langside, and at another in the Craigs of Glasgow, and does not deny but ministers preached in her house at the Ferm. The lords of his majesty's privy council do fine the said Sir William her husband in the sum of 4000 merks, reserving to the said Sir William and his heirs relief off the said dame Margaret Stuart her jointure, in case she survive him; and ordain the said Sir William to pay the said fine before he leave the town, or give sufficient caution to pay it within ten days. This is not the only instance we shall meet with of making husbands, who were every way regular themselves, pay for the alleged guilt of their wives.

Towards the end of March a process begins against the reverend Mr William Veitch, since the revolution a worthy and useful minister in the town of Dumfries, yet alive, whose sufferings were not small in England; and by his being reckoned, as it were, naturalized in England, because he was long there, he was saved from our blood-thirsty people at Edinburgh. We have already heard, that Mr Veitch was forfeited in absence for his alleged accession to Pentland, and forced to leave his native country, and retire with his family to England. I have in mine eye a pointed and distinct narrative of the hardships and various removes this worthy person met with in the north of England, interspersed with several very remarkable appearances of providence in his behalf, too long to be here inserted. I shall only notice, that about 1671 he fixed with his family in the county of Northumberland, at a place named Harnam Hall,* where he preached near five years to a numerous meeting, with very much success. Upon the disposal of that ground to another master, he removed 1677, to Staunton Hall, in the parish of Long Horsley,† a place abounding with papists. There he also preached with much acceptation, and both the papists and clergy in the neighbourhood, especially a Mr Bell a Scotsman, minister of the place, raised a storm upon him; but he was still preserved and sometimes very remarkably. At length Mr Bell made a complaint of him to Lauderdale when going for London, and of the infections spreading in England by the sermons of the Scots preachers in the northern counties; and the bishop of Dur-

* "The mansion of the Babingtons, a family as ancient in Britain as the Conquest." Hutchinson's Northumberland, I. p. 217.

† "The family of Horsley held lands within this manor, from distant ages." Ib. II. p. 319.

ham seconding these complaints, orders were given to some forces to come to those parts, under majors Main and Oglethorp: and particular care was taken to apprehend Mr Veitch. After many escapes, January 19th this year, major Oglethorp seized him in his own house, having ventured home only the night before from Newcastle, where he lurked, to see a sick child of his. He was carried to Morpeth gaol, and made close prisoner, and notice sent up to court of his being taken.* By the council registers I find a letter dated Whitehall, January 25th, is read January 31st, directed to the council. The tenor is, 'the king being informed that Mr George Johnston, alias Veitch, a notorious ringleader in field conventicles, is in gaol in Morpeth, hath sent commands this night to colonel Struthers, deputy lieutenant of Northumberland, to deliver him safe to the sheriff of Berwick; and the council are to order him to be received there, and brought to Edinburgh, and proceed against him with all diligence, according to the utmost severity of law. His majesty (to dash the groundless hopes of knaves and fools who expected a toleration) being fully resolved to put the strictness of law in execution against such notorious contemners of his majesty's law and authority. This is signed by,' &c. 'LAUDERDALE.'

According to this letter he was received upon the borders, and brought prisoner to Edinburgh, and February 22nd, he was sisted before the committee for public affairs. The primate presided, and put many ensnaring questions to him, which were urged by the bishop of Edinburgh, such as, 'Have you taken the covenant?' The prisoner answered, 'This honourable board may easily perceive that I was not of age to take the covenant, when you and other ministers of Scotland tendered it.' When urged, if he never took it since, he waved it, by saying, he judged himself bound frequently to give himself to God in a way of covenanting. The bishop of Edinburgh asked him, if he was at Pentland; he answered, 'If you will give me liberty and power, I shall prove by witnesses I was in Edinburgh the night before, and that day.' His examination was read over, and he required to sign it, which he refused till it was amended in several phrases he reckoned wrong, and put in mundo, after which he signed it; but nothing in it could militate against him. February 25th, the council meet and 'approve the report of the committee for public affairs, that Mr William Veitch be sent to the Bass, till the king's pleasure be further heard, in regard he is forfeited for the rebellion 1666, and the forfeiture ratified in Parliament.' And March 11th, the council write a letter to Lauderdale upon this subject, which I insert here, being short. 1679.

'*Edinburgh, March 11th*, 1679.

'May it please your grace,

'His majesty having commanded us to proceed against one Mr George Johnston to be sent from England, we found upon his coming here, that although the prisoner had passed under that name, yet his true name is Mr William Veitch, whom we are informed to have been one of these who was forfeited for being in the rebellion in the year 1666. And we find there is a standing act of parliament, which is the 11th act of the first session of his majesty's second parliament, whereby one Mr William Veitch, amongst others, is thereby declared forfeited, and the probation led before the justices is thereby ratified: likeas he has confessed that he has preached sometimes in Scotland, when he came occasionally to see his friends, having had his residence in England, near these twelve years, where he was a farmer when he was taken; and albeit we be most willing to comply with and execute his majesty's commands, so that we may show that our obedience proceeds as well from inclination as duty, yet in this case, finding that his majesty's orders did relate to another person than this prisoner, and that the prisoner was not apprehended in any crime, and offers him to prove that he was in Edinburgh the time of the fight at Pentland; we have therefore thought fit to desire your grace to represent the condition of the prisoner to the king's

* See M'Crie's Life of Veitch, pp. 70, 71, &c. where Veitch gives a full account of his capture.

1679. majesty, to be yet further considered, whose royal pleasure (how soon intimated to us) shall be exactly obeyed. In the mean time we have appointed the prisoner to be sent to, and kept in firmance in the Bass. Signed in name and by warrant of his majesty's privy council, by

'Your Grace's most humble Servant,

'ROTHES Cancel. I.P.D.'

That same day Mr Veitch is ordered to the Bass by the council, after which I find no more about him till March 18th, when the advocate is ordered to insist against Mr Veitch before the justiciary, upon the sentence of forfeiture formerly pronounced; and in pursuance of his majesty's commands, in a letter from the duke of Lauderdale, intimation is made of his majesty's pleasure to the justice general, and that the justiciary meet Wednesday the 24th instant. And upon the 24th of March, by the criminal records, I find the advocate appears and produceth the following warrant from the council. 'Edinburgh, March 18th, 1679. The lords of his majesty's privy council did intimate to the lord justice general his majesty's pleasure, signified by his secretary the duke of Lauderdale, that Mr William Veitch, alias Johnston, now prisoner in the tolbooth of Edinburgh, should be proceeded against according to law; and that the lords of justiciary meet for that end the 24th of this month. 'A. GIBSON.'

'The same day the council grant warrant to his majesty's advocate, to insist immediately against the said Mr William Veitch, alias Johnston, against whom the sentence of forfeiture was pronounced, for his accession to the rebellion 1666.

'A. GIBSON.'

Accordingly the advocate insists, and craves the lords may proceed according to law. Mr Veitch being brought to the bar presents two petitions, the one begging that he may be allowed advocates to plead in his defence, and manifest his innocence; and the other humbly craving that the lords may represent his case to his majesty. When both these petitions were read, the advocate takes instruments. The lords of justiciary continue the diet against the pannel until the 8th of April next, and order him to be kept close prisoner. It seems the criminal lords were not so willing as some would have had them, to proceed to a sentence of death, upon a forfeiture in absence, near thirteen years ago. When they meet again April 8th, I find the following act recorded in their books the said day. "Anent an act of the lords of his majesty's privy council, produced by his majesty's advocate, intimating his majesty's pleasure to the justice court, for proceeding against Mr William Veitch, alias Johnston, according to law; and the said Mr William having petitioned that his lawyers might be heard in his defence, the lord justice general, justice clerk, and remanent commissioners of the justiciary, considering that this court would not proceed in the matter of forfeiture in absence, until they had the opinion and advice of the lords of his majesty's privy council and session in so weighty an affair; and finding no precedent in this court for the execution of such sentences in absence, when the persons so forfeited do compear and offer defences; and that the high court of parliament upon such occasions repone parties to their defences; and this being a matter fully of as great consequence as the former of forfeiting in absence, and of very great import to his majesty's service, and the interest of the present and succeeding generations; they find themselves in duty bound not to proceed in a thing of so great consequence, until, according to the laudable custom of their predecessors, they have the advice of his majesty's privy council, and lords of council and session, which they earnestly entreat and expect: and recommend to the lord justice general, to represent this to the council the very next council day, and to the lord justice clerk to lay it before the session as soon as they meet. And in the mean time ordain the prisoner to be securely kept, and continue the diet to the first Monday of June next."

It seems the persons whose advice was sought were not agreed in their sentiments in this matter; for I find the process June 2nd, continued until the second Monday of July, and from July 13th, continued again

till July 25th, and that day what follows is in the criminal registers. "July 25th. This day compeared Mr William Veitch preacher, late prisoner in the tolbooth of Edinburgh, and produced an act of the lords of his majesty's privy council, dated Edinburgh, July 24th. Forasmuch as the king's majesty, having by a letter under his hand, of the date July 17th direct to us, signified, that whereas Mr William Veitch, having been forfeited by a sentence of the justice court, as being accessory to the rebellion 1666, was lately taken in England in the county of Northumberland, and was by his majesty's order sent prisoner to Edinburgh, there to be pursued by his advocate for that his accession. And whereas it is now humbly represented to his majesty, that the said Mr William Veitch was not actually present at the fight at Pentland; and having retired timeously from the rebels, hath ever since lived peaceably in his majesty's kingdom of England: and his majesty being graciously desirous to encourage those that repent for their accession to such rebellious courses, hath therefore ordained, and by the said letter authorised and required his privy council to set the said Mr William Veitch at liberty, he always enacting himself to remove forth of his ancient kingdom of Scotland, and not to return to the same; and that his majesty's said letter shall be his security until he return to that his said kingdom. In which case his said warrant is hereby declared ineffectual. The lords of his majesty's privy council, in pursuance of his majesty's said commands, do ordain the foresaid Mr William Veitch be set at liberty; and recommend to the lords commissioners of the justiciary to sist any procedure before them against the said Mr Veitch upon the criminal pursuit extracted by Alexander Gibson. The lords of the justiciary ordain the said act to be insert in their books, and sist any procedure against him accordingly."

The spring of this sudden turn was in short this. When Mr Veitch was taken not far from the Border of Scotland, he was sent for by the managers. When he was first before the justice court, his case was so favourable, that he was like to get off: the prelates could by no means be persuaded to pass him; and after much dealing among people concerned in council, session, and justiciary, his death came at length to be resolved on, and sentence was to have been pronounced the above day. He getting notice of this, and finding all intercession precluded in Scotland, prevailed with his intimate friend, Mr Gilbert Eliot, since the revolution clerk to the council, and at present one of the lords of the session, which bench he fills yet with much vigour and diligence, to go up post for London, with a representation of his case. When Mr Eliot addressed Lauderdale, there was no access, for the duke, though a relation of Mr Veitch's, was pre-engaged. Then he applied to the earl of Shaftsbury, and some others of that side, who were setting up upon the foot of the liberties of England, who advised Mr Eliot to print an abstract of Mr Veitch's case, that he was seized in England, and without any fault, after near thirteen years' abode there, carried down to Scotland, to be judged for old alleged crimes; and to give a copy of the case to the members of parliament of both houses. This was done, and made a great noise, and the parliament was very willing to inquire into it. While things stood thus, the king was applied to, and little less than threatened with a parliamentary inquiry into this carriage to an English subject, as Mr Veitch might be called. Upon which the above letter is writ down, which came very seasonably, within an hour before the sentence of death was to have been pronounced against him. This is all I have of this worthy person's sufferings this year.* 1679.

April 2d. The council being informed that conventicles were held in Edinburgh pretty frequently, resolve to prosecute the heritors of the land where they were held, though conform enough themselves, and fine them in terms of former acts of council. Accordingly I find George Turnbull, baxter (baker) in Edinburgh, before them, for three con-

* A full and interesting account of all the transactions regarding the seizure, trial, and liberation of Veitch may be had in his memoirs by himself, edited by Dr M'Crie, p. 75—102, to which the reader is particularly referred.—*Ed.*

1679. venticles alleged to be kept lately in Isobel Crawford (who had a chamber in a tenement of land belonging to him) her house. The said George is required to depone upon the rent of the whole tenement of land, which upon oath he declared to be a hundred pounds every year. The council decern him to pay three hundred pounds Scots for three alleged conventicles in that woman's house in this tenement of land. And, for any thing I can learn, there were more dwellers in the tenement, and the landlord was not at all privy to the meetings.

At the same diet I find a good many gentlemen and ladies in the south cited before the council for nonconformity. Gordon of Craichlaw younger, and his spouse, Gordon of Culvennan, Macghie of Drumbuy, Ramsay of Boghouse, Dame Stuart Lady Castlestuart, Macghie laird of Larg, Heron of Littlepark, Dunbar younger of Machiemore, Archibald Stuart of Causeyend, Anthony Heron in Wigg, and his spouse, Stuart of Tondergie, Macghie in Penningham, Macmillan in Craigwel, Stuart of Ravenstoun, brother to the earl of Galloway, and Dame Dunbar his lady, and provost of Wigton, are charged with withdrawing from ordinances, and being present at conventicles. None of them compearing, they are all denounced, and put to the horn. It may be worth while to notice here, that lists of those, and multitudes of others, which have not come to my hand, were sent in to Edinburgh by the episcopal incumbents in the places where they lived, and vigorously urged in council by the bishops and their party to be prosecuted. Letters used to be directed against them, upon such information, to appear in a very short (early) day before the council; and, upon their noncompearance, they were held as guilty, and denounced. We shall find a good many mentioned in this section, forfeited after Bothwell: and indeed this severe and iniquitous persecution of them obliged them to retire from their houses, and betake themselves to hide and wander up and down; and we need not be surprised to find them, and many others thus oppressed, take hold of any opportunity which offered, to relieve themselves from these hard circumstances.

Mr Andrew Kennedy of Clowburn, of whom before, was before the council May 13th, and charged with being present at conventicles. The libel was referred to his oath, and he refusing to depone, was fined in a thousand merks. The same day two excellent gentlewomen had a little favour granted them. Upon the 4th instant a conventicle was discovered in Mrs Durham's house: and Margaret Muir relict of Mr James Durham, and Janet Muir spouse to Mr John Carstairs, were taken and imprisoned in Edinburgh tolbooth. This day they petition the council to be released out of prison. With some difficulty, some friends of theirs got the council to remit them to the magistrates of Edinburgh.

May 14. George Scot of Pitlochie is convened before the council, for alleged being at conventicles, and is libelled, 'That notwithstanding, in the year 1677, he had given bond and caution, under ten thousand merks, to confine himself within his own lands, and not to keep conventicles, yet he had contravened.' The matter is referred to his oath, and he refusing to depone, the lords hold him as confessed. And the council ordain his cautioners presently to pay three thousand merks, and supersede the rest of the fine until they see how the said George carries in time coming. They allow him to return to his confinement. Next day, the council ordain the magistrates of Edinburgh to pay the fine the law obliges them to, for a conventicle kept in Mrs Durham's house, where Mr William Hamilton, a relation of hers, and brother to the (afterwards) Lord Halcraig, did preach. The same day, John Spreul writer in Glasgow is liberated from prison, upon bond to compear, when called, under the penalty of two thousand merks. And Mr Robert Wylie, formerly mentioned, being apprehended, and having lien in prison some time, and fallen into sickness there, the council liberate him, upon bond to appear before them, if his health recover, upon the first Thursday of June, or at any time after, that if his sickness be lengthened out, under penalty of two thousand merks. The rising at Bothwell falling in, he was

overlooked, and met with no further trouble this way. No more of this kind of persecution offers till July, when the prosecutions after Bothwell-bridge run in a new channel; and the accounts of those will fall in afterwards in their own room. Here I have cast together from the registers what I noticed before Bothwell. Some other instances of severities for nonconformity will come in upon the more general account of things in the entry of this year.

SECT. II.

Of the more public proceedings, proclamations, and state of affairs from January to May 1679.

In the beginning of this year, the council come to give orders about the forces levied formerly: one part of them they leave to ramble up and down the country, and harass such as did not fully join in conformity with the episcopal incumbents, and to lift the cess, which a great many did not pay till they were forced to it, and others of them they placed in garrisons, the largest of which was in Lanark for some time, another was at Ayr, a third at Kirkcudbright, a fourth at Dumfries, and a good number were posted at Glasgow. Their orders were, to pursue and search for such who haunted field-meetings, to kill all who resisted them, and to imprison and deliver to magistrates, or send in to the council all whom they apprehended. Those garrisons proved very uneasy to such as clave to the gospel preached by presbyterian ministers, and many outrages were committed up and down the country by the soldiers. Instances might be given in multitudes. A party of the soldiers in the parish of Evandale seized some twenty-three countrymen, many of them herd-lads, and made them swear whether they saw any armed men going up and down for a month's time. Terrible outrages were committed; they destroyed great quantities of corn with their horses, and in some places threw the corn they could not make use of into the rivers, and in other places they burnt it. But particular accounts of these would be endless. I choose rather to give the reader the foundations laid down by the council for all these severities, under the pretext of securing the peace, while, in the mean time, the natural tendency of such methods was really to force people to another rising; and probably this was the design of some of the managers. 1679.

Many consultations were held, toward the end of the last year, about the bearing down of presbyterians, regulating the forces, gathering the cess, and other things of that nature. The result of all is, January 9th, the chancellor by a letter signifies to Lauderdale, 'That the committee for public affairs have, after many meetings, and much reasoning among themselves, formed the articles herewith sent, to the end that, before they be presented in open council, we may know his majesty's inclinations as to them, which shall be obeyed.' We see those articles are framed by the secret managers; but, before they venture to propose them in council, they must have the weight of the king's sentiments to make them go down. Accordingly, January 23rd, a letter comes down from the king, approving them in as full terms as they can desire. The overtures themselves, being the result of so much thought, and the ground-work of the after severities, deserve a room here.

Overtures to be proposed to his sacred majesty by his grace the duke of Lauderdale, for suppressing of the present schism and disorders of the church, and frequent insurrections following thereupon.

'The lords of the committee of his majesty's privy council for public affairs, considering, that, notwithstanding of all their former endeavours, manifold disorders do still abound, arising from withdrawing from the public worship, and from the dangerous and pernicious principles instilled into the minds of unwary people, by seditious preachers in their scandalous conventicles, whereby many are hardened in a most violent and unreasonable schism, and animated to most turbulent virulent practices, threatening the subversion of the protestant religion, as well as the peace of the kingdom, have thought it their duty (now that the forces are raised, whereby these seditious disorders may be easily and effec-

1679. tually suppressed) humbly to represent to the king's most excellent majesty,

'1. That, in regard many of the enormities are committed in remote shires, so that probation can neither so easily be had, nor the laws receive their due execution, when the guilty are processed before the council, as if persons of knowledge and integrity, living in or near these respective shires, who best know their faults, and how the same may be effectually punished, should be intrusted and empowered to that effect; his majesty may be pleased to empower and authorize his council to nominate such persons to be sheriff-deputes, bailie-deputes of regalities, bailiaries, and steward-deputes (where the council shall find sheriff-deputes, and other deputes foresaid, to have been remiss) who are, upon the council's recommendation, to receive deputation from the principal sheriffs, bailies, and stewards, to put the laws in execution only against withdrawers from public ordinances, keepers of conventicles, such as are guilty of disorderly baptisms and marriages, resetting and communing with fugitive and intercommuned persons, and other vagrant preachers; and that the former commissions given by the council in August 1677, to the noblemen and gentlemen in the several shires, for pursuing and punishing such as are guilty of these delinquencies; and instructions given to them, may be renewed to them, or such as the council shall think fit; and that the council may be empowered to grant such further instructions as they shall find necessary for this service; and that his majesty's forces, who lie in the respective shires, may be ordered, upon all occasions, as they shall be required, to concur with these commissioners, or these intrusted by them, for the more speedy and effectual execution of the decreets and sentences of the sheriff, and other deputes, and letters of horning, poinding, and caption to be raised thereupon, as they will be answerable.

'2. That the soldiers may be commanded to disperse the persons who shall be found at conventicles, by force of arms; and if they refuse to dissolve these meetings (being required so to do in the king's name) or shall make resistance, and that thereby through mutilation or death shall ensue, that the soldiers may be secured against any hazard upon what they do in prosecution of their duty, as if by law allowed, in case the said persons refuse to dissipate, being required in manner foresaid, or make resistance.

'3. That the soldiers may be commanded to seize and secure in prison the preacher, and so many others present at field conventicles as they can conveniently carry alongst with them, until they find sufficient caution to answer for their crimes according to law (except the preachers, or any others who are declared traitors, or are intercommuned, or make resistance at these meetings, for whom no caution is to be taken, but that they be secured in prison). And in regard the multitudes who frequent these rendevouzes of rebellion, are such as they cannot all be seized, nor probation easily led against them, the soldiers may be empowered to take from the rest of the persons found thereat, (whom they cannot conveniently carry to prison) their upper garments, that the same may be a mean of conviction, and evidence of probation against them; and that the soldiers may be empowered to seize and take all the arms that any persons shall be found to have at these seditious meetings, and the horses of any who shall be found to have arms thereat.

'4. That in respect scholars, merchants, and tradesmen, are the chief persons who are ordinarily poisoned with factious and schismatic principles; that therefore none be allowed to enter into the second class into colleges, nor received prentices, till they enact themselves to keep the church.

'5. That his majesty may be pleased to give order to the council, to be careful to see that the 5th act of the 2nd session, and 2nd act of the 3rd session of his majesty's first parliament, appointing magistrates and council of burghs, and others in public trust, to take the declaration; as also the acts of parliament anent pedagogues, chaplains and schoolmasters, discharging them to officiate without license from the respective ordinaries, and the acts and proclamations of council emitted thereupon, to be put to due execution.

'6. That his majesty may be pleased to

give order and warrant to the lords of the treasury, to make payment out of the first and readiest of the cash, five hundred pounds sterling to any person who shall apprehend Mr John Welsh, three thousand merks to any person who shall apprehend any of these preachers who are declared traitors, two thousand merks for ilk one of these preachers who are declared fugitives, or are intercommuned, and nine hundred merks for ilk one of these vagrant preachers who preach in the fields; and that the same be ordered to be paid instantly upon the delivery of them prisoners to the council; and that these persons, who have already apprehended any of these preachers, may, for the encouragement of others, have some suitable reward.

'And lastly. That his majesty may be pleased to give order to the council to take exact notice of, and proceed against these indulged ministers, who do not observe the rules and instructions prescribed to them at their indulgence; and that, upon the decease or removal of any of these indulged ministers from their kirks, the council may be careful to see orthodox ministers planted in these kirks; and, if the patron do not present such persons within the time prescribed by the law, that the ordinary be ordained to present *jure devoluto*. Underneath, Edinburgh, 9th of January, 1679. The lords of his majesty's privy council having considered the overtures above contained, and offered by their committee for public affairs, do approve thereof, and ordain the same to be transmitted to the duke of Lauderdale, to be offered to his sacred majesty.

'ROTHES Cancel. I. P. D.'

The king's letter, approving them, I likewise insert from the registers.

'*Edinburgh, January* 23d, 1679.

'CHARLES R.—Right trusty, &c. We greet you well. Having seen and considered your letter of the 9th instant to the duke of Lauderdale, with the overtures proposed by you, for securing the public peace of that our ancient kingdom, against all schismatic and seditious distempers; we are so well pleased with them, that we have thought fit, without any delay, to return you our hearty thanks for your great care and zeal in our service upon all occasions, and to let you know, that 1679. albeit we did formerly appoint the duke of Lauderdale to signify our approbation of those overtures to the committee of public affairs, yet we do now again repeat our royal approbation of them all to you our privy council, as you have them here inclosed. And therefore it is our will and pleasure, and we do hereby authorise and empower you to issue acts, orders, and all other papers conform to the said overtures, and to use all such legal ways and means as you shall find most expedient for putting the same in effectual execution: for doing whereof, this shall be your warrant. And so we bid you heartily farewell. Given at our court at Whitehall, the 18th day of January, 1678-9 and of our reign the thirtieth year.

'By his majesty's command,

'LAUDERDALE.'

When thus they have the king's consent, the overtures are read and approven in the council, and by them remitted again to the committee for public affairs, that they may bring in their opinion as to the manner of putting them in execution. Their report is brought in January 28th, and follows.

The report underwritten from the committee for public affairs, with the act therein mentioned, being read in council, were agreed to, and appointed to be recorded conform to the tenor thereof, which is as follows.

'Having considered these overtures approven by his majesty, in order to the drawing of acts and orders thereupon, and for putting the same in execution.

'As to the first overture anent the naming of sheriff deputes, and for executing the laws (only) against withdrawers from public ordinances, keepers of conventicles, persons guilty of disorderly baptisms and marriages, resetting and communing with fugitive and intercommuned persons, and other vagrant preachers, 'tis our opinion that deputes shall be named to that purpose in the shires underwritten, and jurisdictions within the same, *viz.* Lanark, Ren-

1679. frew, Ayr, Wigton, stewartry of Kirkcudbright, Perth, Dumfries, stewartry of Annandale, Dumbarton, Linlithgow, Fife, and Kinross, Stirling, Haddington, Berwick, and Roxburgh; and we have appointed some of our number to think upon fit persons for that service in the several places.

'As to the second part of the said overture concerning the commission and instructions formerly given to several noblemen and gentlemen anent conventicles and other disorders, it is our opinion, that the said commissions and instructions may be revived, and missives directed to the several persons commissionate to proceed according thereto.

'Having considered the second and third overtures, and an act of council in the year 1674, we have turned the same in an act, which is offered to your lordships' consideration.

'As to the fourth overture concerning scholars, merchants, and tradesmen, their enacting themselves to keep the kirk, it is our opinion that the same be turned in an act, and sent to the several universities and burghs.

'Upon the sixth overture, offering a reward to such persons as shall apprehend Mr John Welsh and others therein related, it is our opinion, that a proclamation be drawn conform thereto, founded upon his majesty's letter; and an act drawn, recommending to the lords of the treasury to give these rewards to such as shall deserve the same.'

MURRAY, CHARLES MAITLAND,
LINLITHGOW, GEORGE MACKENZIE,
ELPHINSTON, MAITLAND,
ROSS, DRUMMOND,
And the approbation of ROTHES Cancel.
I. P. D.

'The lords of his majesty's privy council do hereby give express order and command to all officers and soldiers of his majesty's standing forces, or of the militia, or any part thereof, to dissipate the persons who shall be found by them at conventicles by force of arms; and if they shall refuse to dissolve, being required so to do in the king's name, or shall make resistance, and that therethrough mutilation or death shall ensue, the said lords do hereby indemnify them from any such slaughter or mutilation, and declare that they shall never be questioned either criminally or civilly for the same in all time coming. As also, the said lords give orders to the said officers and soldiers to seize and secure in prison the preachers, and so many others present at field-conventicles as they can conveniently carry alongst with them, until they find sufficient caution to answer for their crimes according to law, except the preachers or any others who are declared traitors, or are intercommuned, or make resistance, or stir up others to make resistance at these rendevouzes of rebellion, for whom no caution is to be taken, but that they be secured in prison. And in regard the multitudes that frequent these rendevouzes of rebellion, are such as that they cannot all be seized, nor probation be easily had against them, the said lords do impower the soldiers to take from the rest of the persons found thereat, whom they cannot conveniently carry to prison, their upper garments, that the same may be a mean of conviction, and evidence of probation against them; as also, to take and seize all the arms that any person shall be found to have at these seditious meetings, and the horses of any who shall be found to have arms thereat. And further, the said lords do hereby give order and warrant to the said officers and soldiers to take, apprehend, and emprison any persons declared fugitives by sentence of council or justice court, any that were in the rebellion in the year 1666, and did not take the benefit of his majesty's act of indemnity, or any against whom letters of intercommuning are direct, wheresoever the said persons can be apprehended, with power to them to make open doors and other lockfast places, in searching of the said persons. And the said lords grant warrant to any of the officers of the foot, standing forces, or militia, to seize upon, and make use of any horses in the country, which can be readily had when they have occasion of the same for executing any orders directed to them, the officers being always liable, immediately after performance of the service wherein they shall be employed, to cause return these horses to the owners in as

good condition as they were when they were taken.'

The council, we need not doubt, approve all their grand committee does; and in further prosecution of the report, February 6th, a proclamation comes out, which was better looked after, and more carefully prosecute than that we shall just now hear of against papists: I have annexed it below,* therein is promised 9000 merks to any who shall discover and apprehend Mr John Welsh, 3000 merks for Messrs Semple and Arnot, 2000 merks for any of the field preachers declared fugitive, and 900 merks for any of the vagrant preachers. The pretence of debauching people to atheism and popery in the proclamation hath formerly been considered and answered.

I shall not enlarge on the severity and temptation in the promise of so great sums in Scotland, for the apprehending of so good and useful men as Mr Welsh, and the others named. I know that about this time some in the government were so sensible of the moderate and loyal principles and usefulness of Mr Welsh, that a proposal was made to him to accept of a church, and an indulgence was promised him. Neither shall I expose this ungenerous method of ensnaring people to be sharers of managers' guilt, or insist on the many instances (which) might be given of the care of providence in preserving Mr Welsh, the rest, and multitudes of others intercommuned at this time. I may rather notice that our protestant bishops and counsellors did little or nothing against the popish priests and jesuits, though there were vast numbers of them up and down the nation; and about this very time doctor Oates had made faith that several of that cattle were sent down from England to Scotland, besides shoals of them daily coming in from beyond sea. This was not the chase the government was set upon, but a standing army must be maintained, and new levies made, and the country depopulate, to destroy the most zealous enemies of popery in the nation, while the favourers and abettors of it were overlooked. Though by this proclamation, 1679.

---

* *Proclamation, offering a reward for apprehending Mr John Welsh traitor, and others, February 6th*, 1679.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, macers of our council, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, by sentence of our justice court, Mr John Welsh, Mr Gabriel Semple, and Mr Samuel Arnot are declared traitors, for being in open rebellion against us, in the year 1666. And they having, for divers years past, made it their work to pervert and abuse our people from their duty and allegiance, at their field meetings, these rendevouzes of rebellion; and by their example and impunity, several others intercommuned and vagrant preachers having also followed that same method and way, whereby our people, by not frequenting the public ordinances, and being exposed to hear jesuits or any other irregular persons, who dare take upon them the sacred office of the ministry, are debauched to atheism and popery. We therefore, with advice of our privy council, have thought fit, for the encouragement of our good subjects, in apprehending and discovering these persons, hereby to declare and give assurance to any person or persons, who shall apprehend and secure Mr John Welsh (or so discover him, as he may be apprehended) shall have instantly paid to him or them, upon delivery of his person, to any of our privy council, or commitment of him to prison, nine thousand merks Scots money, out of the first and readiest of our cash, as a reward; and to any person who shall apprehend and secure the said Mr Gabriel Semple, and Mr Samuel Arnot, also declared traitors, or so discover them, as they may be apprehended, three thousand merks for each of them; and to any person or persons, who shall apprehend and secure any of these field preachers, who are declared fugitives, or are intercommuned, for each of them, two thousand merks; and for each one of these vagrant preachers in the fields, that shall be apprehended, the sum of nine hundred merks. And which rewards, we declare shall be instantly paid to the person or persons, who shall perform the said service, without any manner of delay or defalcation. And further we declare, that if in pursuit of the said persons, they or any of their complices shall make resistance, and that thereupon they or any of them shall be hurt, mutilate, or slain, the said persons apprehenders of them or any assisting them, shall never be called in question for the same, criminally nor civilly in all time coming, but shall be repute and esteemed persons, who have done us and their country good and acceptable service. Our will is herefore, and we charge you strictly, and command, that, incontinent these our letters seen, ye pass to the mercat-cross of Edinburgh, and other places needful, and thereat, in our name and authority, by open proclamation, make publication of the premisses, that all our good subjects may have notice thereof; and ordain these presents to be printed. Given under our signet at Edinburgh, the sixth day of February, 1679, and of our reign the one and thirtieth year.

THO. HAY, Cl. Secr. Concilii.

GOD SAVE THE KING.

1679. all who were wicked enough, were set to hunt for these good men, in order to get the price of blood, not only of those, but of the souls of thousands, who were fed by them; yet none that I hear of were tempted by so great offers.

To execute this and other such laws, the new levied forces are ordered west, and part to Glasgow, there to lie, and prevent preaching the gospel in private houses, and the fields thereabout. This was at the particular desire of the prelates and clergy, that city being an eye-sore to them, many presbyterian ministers getting shelter there. Accordingly upon the 13th of February the council agree upon the disposition of the forces, and form an act thereupon, which I have added below.* No remarks need to be made on it, they are all so ordered as they may be most useful for bearing down the preaching of the gospel. It is of more use to take notice of some new powers granted them upon the proposal of the committee for public affairs. I give them as they stand in the registers. February 13th, the council approve the underwritten report from the committee for public affairs.

"Whereas by the late act of council January 28th, warrant is given to officers and soldiers to dissipate conventicles, and seize preachers and other persons thereat. And seeing it may be presumed, where any number of persons are found together in the fields, near to the place, before or after conventicles have been kept, that they have been going to or coming from conventicles, that order be given to the officers and soldiers, for seizing and securing such persons going to or coming from conventicles, upon the day of the keeping thereof, until they give bond, or enact themselves under particular penalties, according to the quality of the persons, that they shall live orderly, keep their own parish kirks, and not go to conventicles thereafter, or appear before the council at a certain day, and that those bonds be sent forthwith to the clerks of council." And to give all relative to the army in this place; February 25th, the army being now to march, the council order them to be furnished with ammunition: and next day they appoint that magistrates in burghs, and heritors in landward parishes furnish seven baggage horse to each company of foot, and that for one day's journey, or a little further, if necessity require, as the parties shall demand.

I shall not enter into any large accounts of the trouble the army at this time brought to the west and south. It was in the beginning of March that they came to the particular places assigned them. My lord Ross, and others who commanded them, made a very strict search there for inter-

* *Council's act, February 13th, 1679, about the forces.*

The lords of his majesty's privy council do ordain his majesty's standing forces, horse, foot, and dragoons, to be distributed and quartered in manner following, viz. three companies of foot in Canongate and Leith, one company at Calder, one company at Stirling, one company at Culross and Clackmannan, one company at Cupar and Falkland, four companies at Glasgow, two companies in the shire of Ayr, one company in the shire of Renfrew, one company in Lanark, one company in Galloway, and one company at Kelso, and leaves the eighteenth company to the major general's disposal; one squadron of his majesty's troop of guards at Edinburgh, another squade of them at Stirling, another in Fife, and the fourth in Borrowstonness, one troop at Glasgow, one troop in Merse and Teviotdale, and one troop in Galloway, one company of dragoons in Galloway, one company at Ayr, twenty-five at Calder, twenty-five at Culross, and fifty at Lanark, and refers to the major general, in what place in ilk shire, he shall appoint their respective quarters. It is always hereby ordered, that those mentioned for Calder and Borrowstonness shall oversee all the bounds betwixt Cramond bridge and Stirling bridge; that these at Culross and Stirling oversee betwixt Stirling bridge, Kinross and Burntisland; that these appointed for Fife oversee what lies betwixt Kinross and Fifeness; that these in Glasgow, Lanark, and Renfrew, oversee Clydesdale and Renfrew; these in Ayr that sheriffdom, and these in Galloway the sheriffdom of Wigton, and stewartry of Kirkcudbright, and jurisdictions within the bounds of the said shires, to the effect they may assist the execution of the laws in all these respective bounds, or any other shires of the kingdom, according to the orders that shall be given them by the major general. And further, the council do ordain the commissioners nominate in the several shires, to take care, that the troops and companies of dragoons be furnished and provided with hay and straw by the towns and villages where they are quartered; and in case they cannot be conveniently provided by these towns and villages, that the commissioners cause the hay and straw to be furnished and carried to them by the inhabitants in the country, not exceeding six miles from their quarters, at the prices already appointed by the council, in respect those prices were appointed at first, with so great consideration to the carriage

communed ministers, field preachers, and all others obnoxious to the standing laws. These searches were very troublesome to the lieges, and many disorders and cruelties were committed at them, some of which may be observed in the progress of this book. At this time a good number very narrowly escaped, and were put to no small hardships and difficulties in their wanderings and hidings. At this search two were only taken, a worthy, old, and very infirm minister, Mr Archibald Maclean, who by reason of his age and weakness, could not step out of their way; and Mr William Kyle, since the revolution a minister in Galloway, and at this time a preacher. Yea such was their vigilance and concern in this work, that in a very few days the search was repeated, they hoping some would venture out of their lurking places, not looking for so sudden a return of the trial.

The reverend Mr John Law, of whom in the former book, was catched at this second search, in a house of the laird of Kincaid, and the cruelty of his persecutors to him deserves particular notice. His wife was extremely ill, and given over by physicians, and it was this brought Mr Law to the place. He offered all bonds and security they could desire, and to render himself their prisoner whenever they should appoint, or begged a guard might be sent with him to the house: but by no means could he prevail to see his dying wife; and he was straight and most unmercifully sent to Edinburgh, and from thence to the Bass. Upon his road east, he was not only guarded by the way, but soldiers were constantly kept in the room with him, never once allowing him to be alone, to commend himself and his dying wife to the Lord. 1679.

Much about the same time there was a most violent search at Edinburgh, where the reverend Mr George Barclay, whom we shall afterwards meet with, who since the revolution hath been for twenty-three or twenty-four years an useful and successful minister at Uphall, was taken. His excellent character is so well known in this church, that I enter not upon it. When taken he was put into the guard-house at Edinburgh; there by his agility he escaped out at a window into the street, and got off. Afterwards he endured a long trial of various afflictions, and wanderings, sometimes in foreign countries, and sometimes in the north of England, and for some years in Scotland, wherein he met with many remarkable preservations and singular providences, as I have sometimes with pleasure heard himself relate. Much about this same time in Leith were apprehended Mr Robert Ross, Mr James Macaulay, preachers, and another who was with them, on his hiding for nonconformity. By the registers I find the council, April 4th, approve the committee for public affairs their report: that Mr John Law, Mr Robert Ross, and Mr James Macaulay be sent to the Bass; and the rest of the prisoners continue in the tolbooth of Edinburgh till further order. I shall only acquaint the reader further, that in prosecution of the overtures above insert, and just before the march of the army, upon the 27th of February the council condescend upon the following list of commissioners to execute the laws against nonconformists in the several places underwritten, in the terms of the first overture.

List of the commissioners appointed by the council in August 1677, with the names of the commissioners now added.

SHIRES.	COMMISSIONERS FORMERLY.	COMMISSIONERS ADDED.
Edinburgh	Lord Treasurer Depute	
Haddington	Earl Winton Lord Belhaven	Wauchop of Stotencleugh. Millar of Gourlaybank.
Linlithgow	Earl Linlithgow	
Perth	Marquis Athole	Marquis Montrose.
Berwick	Earl Hume	
Roxburgh		Earl Roxburgh.
Selkirk	Philiphaugh and Hayning	Sir John Scot of Ancrum.
Renfrew and Netherward of Clydesdale	Lord Ross	
Upperward of Clydesdale	Earl Wigton	Hamilton of Ruploch.

SHIRES.	COMMISSIONERS FORMERLY.	COMMISSIONERS ADDED.
1679. Dumfries and stewartry of Annandale	Sir Robert Dalziel of Glenall	
Wigton and stewartry of Kirkcudbright	Richard Murray of Broughton	
Ayr and Dumbarton	Earl Glencairn	
Argyle	Earl Argyle	
Fife and Kinross	Earl Strathmore, except the presbytery of Dunfermline, and parishes of Culross, Tullialian, Muckart, Logie, Arngask, Saline, and Fossway, entrusted to Clackmannan	Laird of Earlshall.
Peebles	Sir William Murray of Stenhope	James Nasmyth younger of Posso.
Stirling and Clackmannan	Earl Mar, lord Elphinston	Lord Callender, laird of Clackmannan
Aberdeen and Bamff	Earls of Errol, Marishall, Kintore, and lairds Auchmedden and Boyne	
Kincardine	Earl Marishall	
Elgin, Nairn and Inverness	Earl Murray	Lord Duffus.
Cromarty		Laird of Cromarty.
Forfar	Earl of Airly	

To these commissioners they send the underwritten letter, and additional instructions, which deserve a room here also.

Letter and additional instructions to the several commissioners.

'Right honourable,

'His majesty's privy council considering the great scandal given to the true protestant religion, and the occasions given for inlet and increase of popery, impiety, schism, profaneness and sedition, by the unchristian and factious carriage of sundry persons, who not only withdraw from the worship of God in their own parish kirks, but are guilty of keeping seditious meetings, and other disorders of that nature; they for remedy thereof, did grant commission to you, or such as you should appoint, to take under your particular care and charge the executing of the laws made against these disorders within and did give you particular commission and instructions for that effect, bearing date the 7th day of August, 1677. And whereas these disorders do yet increase, and the council, being very confident that there cannot be a more ready way to reduce them, than by the due and vigorous execution of the laws, which have been so particularly entrusted to you by your commission and instructions, hath thought fit to revive and renew these commissions and instructions to you, and hereby to join —— with you in the said commission, and to desire and require you and him to follow forth the same with all faithfulness and diligence; as also some additional instructions to these formerly given, herewith sent: and that there may be no delay in that service, either through negligence or connivance of the sheriff-deputes, the council has thought fit, by his majesty's special warrant to recommend to the sheriff-principal of or of to nominate to be his depute in the said for pronouncing of sentences, and putting of the laws in execution against these delinquents (to whom we are to send particular instructions) and in the meantime, until the said deputations be got, we have commissionate him to act in that affair as a justice of peace, with whom we desire you to keep correspondence, as also with the commanding officers of such forces as are quartered near to you, who have also particular orders to give you their concurrence either for apprehending delinquents, or poynding of goods upon the said sentences: this being an affair wherein his majesty's service is in a special manner concerned in this juncture, we expect that you will use more than ordinary diligence in the prosecution of what is committed to you, and to have frequent accounts of what passes. Signed in name and by warrant of his majesty's privy council, by

'Your most humble servant,

'ROTHES Cancel. I. P. D.'

Additional instructions to the commissioners, anent conventicles, &c.

'Since, by the 5th act, 2d session, parliament 2d, the fines of all men and women, who are not heritors, are disponed to the sheriffs, stewards, bailies of regality, and their deputes, so that no part thereof can be applied to the commissioners, and those deputed by them; therefore you are to apply the one half of the fines of all landed men, and women, and their children, not forisfamiliate, who live within the bounds of your commission, to your own use, and such as you shall employ.

'It is declared, that such persons as have taken the bond to live orderly, and have since recanted the same, or have kept field-conventicles sensyne, or baptized their children disorderly, shall have no benefit by their taking the bond, but may be proceeded against for their delinquencies since the act of indemnity in March 1674, according to law. 1679.

'Albeit there be particular bonds appointed for each commissioner and sheriff-depute, for dissipating of conventicles, and apprehending of conventiclers at these meetings, or passing from them; yet every commissioner and depute are authorized to pursue, dissipate and apprehend them in any neighbouring place or jurisdiction, and to judge them before the sheriff-depute or justice of peace of that jurisdiction, or before the council, as the said commissioner or depute who apprehends them, shall think fit.'

Further, every way to secure this matter, the council nominate deputes in the different shires, and require a deputation from the sheriff-principals, according to the subsequent list, to the persons here nominate, which I shall likewise add, with the council's letter, and the form of deputation.

List of the Sheriffs and other deputes nominate.

SHIRES AND JURISDICTIONS WITHIN THE SAME.	SHERIFFS, &c.	DEPUTES.
Edinburgh	Lord Treasurer-depute sheriff	Mr Thomas Skene.
Haddington	D. Lauderdale sh.	Haliburton of Egliscairny.
Linlithgow and the regalities of Kinniel, Kirkliston, and Torphichen	Laird of Hopeton sh. and lord of regality	James Dundas of Manuor.
Perth and regality of Athole	Marquis of Athole	Sir Pat. Threpland of Fingask.
Renfrew	E. Eglinton	Sempill of Beltrees.*
Upperward of Clydesdale	D. Hamilton sh.	Mr William Cochran of Rochsoles.
Netherward of Clydesdale and regality of Glasgow	D. Hamilton sh. and lord of regality	Mr William Nimmo.

* *Francis Sempill* of Beltrees was the descendant of John, son of lord Sempill, and Mary, daughter of lord Livingston, noticed by Knox in his "Historie" as "John, the dancer;" and "Marie, the lustre," (beautiful) at Queen Mary's court. Their son Sir James Sempill of Beltrees was a singular favourite of king James VI. who sent him his ambassador to queen Elizabeth's court, and the steady and tried friend of Andrew Melville. See M'Crie's Life of Melville, vol. ii. p. 339. Of him says Melville, in a letter to his nephew: "The court does not contain a more religious man; one who unites greater modesty with greater genius, and a more matured judgment with more splendid accomplishments." ib. p. 411. He was the author of a work against Selden, entitled "Sacrilege sacredly handled," and of another work entitled "Cassandra Scoticana, to Cassander Anglicanus;" and likewise an answer to Tilenus, named—"Scoti τω τυχοντος Parænesis contra Danielis Tileni Silesii Parænesin." He also wrote, in part at least, a satirical poem against the church of Rome, called "The Packman's Pater Noster." Sir James married Egidia, daughter of Elphinston of Blythswood, by whom he had a son, Robert, whose fame is founded on an admired poem, entitled "The Epitaph of Habbie Simpson, the Piper of Kilbarchan." Robert's son was this Francis Sempill of Beltrees (noticed in the above list) a poet of humorous talent. He wrote "The Banishment of Poverty;" "She rase and lute me in;" "The Blythsum Bridal;" "Maggie Lauder;" and "Hallow Fair." He was an adherent to the Stewart family, and he produced some panegyrics on James VII. while duke of York and Albany, and some satires on the Whigs as they were now currently called. The family of Beltrees, distinguished for poetical wit and humour, have been lost to fame in some measure by the want of a biographer. See Wood's Peerage, art. *Sempill*. Crawford's Renfrewshire *passim*, and the interesting introduction to a small miscellany called "*the Renfrewshire Harp*," published at Paisley in 1819. —*Ed.*

SHIRES AND JURISDICTIONS WITHIN THE SAME.	SHERIFFS, &c.	DEPUTES.
1679. Dumfries and stewartry of Annandale	E. Queensberry sh. E. Annandale steward	Lairds of Claverhouse and Earlshall. Claverhouse and Earlshall.
Wigton	Sir Andrew Agnew sh.	Laird of Lag, Claverhouse and Earlshall. Captain John Paterson. Claverhouse and Earlshall.
Stewartry of Kirkcudbright	E. Nithsdale st.	
Ayr and stewartry of Kyle	E. Dumfries sh. and steward	Mr James Cunningham late sheriff-depute.
Bailliery of Cunningham	E. Eglinton bailie	Mr John Montgomery of Beath.
Bailiery of Carrick	E. Cassils bailie	Blair of Blairston.
Dumbarton Regality of Kilpatrick	E. Wigton sh. Hamilton of Orbiston bailie	Major George Grant.
Fife and Kinross Reg. of St Andrews and Crawford	Earl of Rothes sh. and lord of Reg.	William Carmichael of Thurston.
Stewartry of Fulkland	Marquis of Athole st.	
Reg. Dunfermline	E. Tweeddale	
Reg. Pittenweem easter		

Letter to the sheriffs, &c. for nominating and deputing the foresaid persons in the respective jurisdictions abovewritten.

'My Lord,

'His majesty, for securing the public peace of the kingdom against all schismatic and seditious distempers, amongst other directions, hath thought fit, by a particular and express warrant, dated at Whitehall the 18th of January last, to impower his council to nominate such persons to be sheriffs, bailie-deputes, in such bounds as the council should find necessary, who are upon their recommendation to receive deputation from the sheriffs-principal, and bailies, to put the laws in execution, only against withdrawers from the public ordinances, keepers of conventicles, and such as are guilty of disorderly baptisms and marriages, resetting and communing with fugitive and intercommuned persons, and vagrant preachers: which deputation his majesty desires may be required from you, to shew how unwilling he is to derogate from your rights. And his majesty's privy council finding it necessary for the king's service, that be by you named depute in the sheriffdom of for putting in execution the laws and acts of parliament foresaid, they desire your lordship to sign the inclosed deputation, and to return the same to the council betwixt and the second day of April next, which is to be without prejudice to any other of your sheriff-deputes, to judge jointly with the said deputes, or separately. This being an affair wherein his majesty's service is specially concerned, we doubt not of your compliance with this our desire. Signed in name, and by warrant of his majesty's privy council, by your lordship's most humble servant,

'ROTHES Cancel. I. P. D.'

The tenor of the deputation.

'WE sheriff principal of the sheriffdom of conform to a recommendation of his majesty's privy council signified to us by their letter of the date the eleventh day of March 1679, founded upon an express warrant from the king's majesty, dated at Whitehall the eighteenth day of January last, do hereby make and constitute to be our sheriff-depute within the said sheriffdom, to the effect underwritten only, with full power and commission to him to affix and hold sheriff-courts at the ordinary places accustomed, issue forth precepts for summoning persons within the said shire, guilty, or that shall be guilty of contravening the laws made against separation, and withdrawing from public ordinances, keepers, or being present at conventicles, persons guilty of disorderly baptisms and marriages, resetting and communing with fugitive and intercommuned persons, and vagrant preachers, and to pronounce sentence against the persons guilty, conform to the laws and practick of this kingdom, and to direct precepts and other executorials for putting the same to due execution, and generally all and sundry other things necessar in the premisses to do, use, and exerce, as fully and freely as any other sheriff-depute has done or may do, *promitten. de rato, &c.* providing

that thir presents is to be without prejudice to any other of my deputes already named, to judge jointly or separately with the said sheriff-depute; and that the granting hereof shall no ways derogate to our right of jurisdiction as principal sheriff, as accords of the law; and that this commission continue during the pleasure of his majesty's privy council. In witness whereof these presents are subscribed with our hand at, &c.'

How far this was an encroachment upon the legal establishment of so important an office as sheriffs are, I must leave to others to determine: it is a question of law; but one would think at this rate the council might take any other branch of their power, and place it in the hands of deputes of their own nomination. But nothing now is stuck at, which was thought for the enlarging the prelates' power, and the oppressing of presbyterians.

Jointly with this commission or deputation, each of those persons were clothed with the power of a justice of the peace in the respective shires, and have large and severe instructions given them for carrying on the severities against presbyterians, as follows.

Instructions given by his majesty's privy council to sheriffs and other deputes, to act as justices of peace in their respective bounds, until they receive their deputations.

'1. As you are by your commission (which is to be sent to you) appointed sheriff-depute of the shire of you are hereby impowered as one of his majesty's justices of peace within the bounds of the said shire, with power to you to call the remnant justices of peace to the quarter-sessions, according to the act of parliament; and such as you shall convene, they are hereby authorized to appoint constables in each division, as you shall think fit; and upon any emergent, where more than one justice is necessar, you shall call any other of the next adjacent justices to your assistance; and in case of their refusal, you shall inform one of the clerks of his majesty's privy council.

'2. You are to use diligent endeavour to inform yourself of any intended conventicle, on whatsoever account, which is prohibited by the laws, and you are to call to your assistance these forces adjacent to you in the country, and therewith not only to dissipate the said meetings, but to apprehend such persons, and to imprison such as shall be found thereat, or returning from any such meeting, and to seize all such horses and arms as you shall find thereat; and if need be, you shall give information to any commander of his majesty's forces who is most adjacent, of any such convocations, and either require their concurrence with you, or require them to proceed against these conventicles, as they will be answerable. 1679.

'3. You are to endeavour to apprehend all vagrant ministers, or who preach without allowance of their ordinaries, all intercommuned persons contained in the list herewith sent to you, or hereafter to be sent to you by order of his majesty's privy council; as also, all persons declared fugitive by the council or criminal court, as lists are, or shall be sent from these courts to you; and, on apprehending of the said persons, to secure them in secure prisons within burghs, and to acquaint one of the clerks of his majesty's privy council therewith; and in the meanwhile to require the magistrates of the burghs to whom they are delivered, to secure them, as they will be answerable. And for enabling you to perform the said services, you are to call for assistance from any of his majesty's forces next adjacent to you, who have orders to concur with you, when, and as you require them, in execution of their employments.

'4. You are likewise to apprehend and imprison all such persons as at any time shall be ordered by one or more of his majesty's privy counsellors by writ under their hands, till they find caution to answer as law will.

'5. You are to cite before you any person or persons, men or women, who shall be at field conventicles, or who are guilty of illegal marriages or baptisms within your jurisdiction, albeit perhaps the meeting was without it; and albeit the said person was

1679. no constant resident within your jurisdiction, but a remainer there for forty days, and that by officers appointed by you for that service: if they be cited and personally apprehended, whether they compear or not, you are to proceed according to the 2d act, 3rd session, parliament 2d, Charles II. and 5th act, 2d session, 2d parliament, Charles II. As also, according to the printed proclamations of council, and punctually to observe and apply the said laws to each several person, of what quality soever or sex, *toties quoties*, as they shall be found guilty from the 25th of March 1674, and to imprison them till they pay, or find sufficient surety for payment of the said sums, the women always to be fined according to their husbands' quality.

'6. And if they be cited personally and compear not, they are to be proceeded against, and unlawed in fifty lib. Scots, *toties quoties*, as frequently as you can.

'7. If they be cited at their dwelling houses, and not personally apprehended, you shall likewise cause their officers cite them at their parish church immediately after sermon, and at the market cross of their head burgh; and if they compear not, you shall fine and unlaw them in such sums as the sheriffs within that shire are accustomed to unlaw absents from their courts, and that *toties quoties* as they shall be absent.

'8. And notwithstanding of their imprisonment in the said case, if they pay not, or find not surety, you are to proceed to poind their moveables in the ordinary way (forbearing always labouring oxen or horse from the last of October to the last of May for labouring) and to apply the same for payment of the said fines.

'9. So soon as they either pay or find surety, you are to dismiss them, and so to proceed *toties quoties*.

'10. You are warranted and desired to apprehend any person who shall contemptuously disobey the discipline and censures of the church, and imprison them till they find surety to obey the church in that censure; and this upon the desire of the minister of the parish. Act 38th, session 2d, parliament 2d, Charles II.

'11. You are to put the laws in execution against such as ordinarily and wilfully withdraw from the ordinary meetings of divine worship in their own parish churches, papists or others, according to the 2d act, 3rd session, 1st parliament, Charles II. whether men or women, and conform to the late proclamation of council.

'12. You are to give timely information to one of the clerks of privy council of such as are imprisoned by you, either as intercommuned persons, fugitives, vagrant ministers, or are apprehended by you by orders from the council, or any counsellor, with the cause of their imprisonment, and place where they are, and magistrates' names to whom, and what time they were delivered.

'13. You are in these things, and what further shall be ordered, to act in concurrence with the other sheriff-deputes and justices of peace, and once to require them to concur with you; and you are also to concur with them in these things when they require you thereto; but you are also impowered to act solely in any emergent, or in case of their absence upon any account.

'14. If any sheriff, sheriff-depute, magistrate of burgh, bailie, or bailie-depute of regality, stewartry, or barony, or any other heritor, or other person whatsoever, especially any of his majesty's forces, refuse to concur with, or assist you in prosecution of the laws against these who oppose the same, you are to certify the same to the privy council.

'15. You are to apply the whole fines of all the persons who are not landed men, to yourself, and the other sheriff-deputes, who concur mutually with you at each respective sentence and proceeding, and to their members of court, and collectors; and the fines of all landed men, and their wives and children, the one half to the commissioners appointed within their jurisdiction, the other half to be forthcoming to the king, which the commissioners are appointed to uplift, and be countable for the one half.

'16. If any person, cited or pursued by you, shall flee from your jurisdiction to any other, you shall with all conveniency inform the sheriff, or other deputes of that jurisdiction to which they flee, and desire them to pursue them, or to return them to you;

and you shall give the like concurrence to them, on their desire.

'17. You are to hold courts once every week at least, and oftener as you find fit.

'18. That, for such heritors as are fined, you cause arrest their mails and duties, and pursue actions to make forthcoming, and see the same receive due execution.

'19. You are hereby empowered to appoint your own fiscals, and other members of court (except clerks) to pursue keepers of conventicles, and others guilty of such like disorders mentioned in the preceding instructions; and you are to employ the ordinary clerks.

'Lastly, You are hereby empowered to proceed and act as a justice of peace within the said shire, against delinquents, conform to the preceding instructions, until you receive your commission as sheriff-depute.'

The reader will easily guess what sad work so many different persons, clothed with so large powers, and an army to support them, would make in these shires. The particulars, being in no register, are not come to my hands; but we may easily form an idea of what people, nominated and hounded out by the prelates, would do in these circumstances: and many of the finings and hardships up and down the country, for some years, were the fruits of those various commissions; though, after the rising which ended at Bothwell, to which such severities gave great provocation, the persecution fell a little into another channel than was at first designed.

But the divisions among the persecuted party themselves last year, and the entry of this, were heavier to good people's spirits than all that the soldiers or commissioners could do. The debates about the cess were overruled by force; that imposition was crammed down, and the act indeed executed itself. However, debates and disputes continued, and papers were spread about it. I have seen one vindicating the paying of it, intituled, 'Queries anent the Cess,' too long to be insert here, and others against it. But the division upon the indulgence ran yet higher: so much was said in the close of the last year upon this, that I shall add little now. Ministers who preached in the fields had not formerly meddled with this subject; but January this year, 1679. some preachers, formerly pointed at, began warmly to preach up separation from the indulged, and in such a broken time as this, no doubt such doctrine would take, when people's spirits were rankled with so many evils.

When this flame was rising, several ministers and probationers in and about Glasgow, with a good many of the solid and knowing of the old elderships in that city, who had been witnesses to the sad consequents of the last rent in this church, upon the public resolutions, had frequent meetings, and endeavoured what in them lay to put a stop to the growing division, but were not able to do so much as they wished. About this same time, Mr John Welsh, Mr George Johnston, Mr Gabriel Semple, Mr John Rae, very noted field preachers, with some others, got a meeting with some of these young preachers, and gave it as their opinion, and advised them to go to the meeting of ministers who had licensed them, and subject to their direction; without which, and the invitation of some body of ministers, they gave it as their mind, that they ought not to take upon them to preach up and down the country.* And they ear-

* On the subject of "indefinite ordination," as noticed in a former part of the History, a very keen controversy was carried on for many years among the presbyterians. The papers by Kirkton and Baird, on indefinite ordination, were in Wodrow's list of MSS.; but in a volume which, so far as I know, the advocates do not possess. From a letter, if I mistake not, early in 1675, it would appear that the subject had been under consideration as early as 1673, when several students were licensed. The writer of that letter urges the ministers in Holland to give their opinion, and Brown wrote in favours of indefinite ordination in the circumstances of the church of Scotland, employing twenty arguments and answering six objections, to the extent of thirty or forty quarto pages. Of this there are several copies, one of them with the answer to each paragraph marked alternately with B. and W., Wedderburn of Irvine it is supposed. In September, 1675, Mr Hugh Smith, minister of Eastwood, wrote Mr Brown, taking the opposite side. Brown replied to him in November following. Smith wrote him again in October, 1676, and had a return from Brown November the same year. The debate was conducted with affection and temper, but neither seemed to yield. There are also some papers by Mr James Stewart, afterward lord advocate, on the same question. With the exception of Mr

1679. nestly dealt with them to forbear preaching up separation at such a time as this, when union among presbyterians was so necessary. They likewise appointed two of their number to write a letter to one of the indulged ministers, to be communicated by him to the rest, intreating, that, for union's sake, they would endeavour to concert matters so among themselves, as to take away, as much as might be, some of the occasions of clamour against them: and in particular, that they would now and then come out of their charges, and preach the gospel to desolate people who wanted it, which they were of opinion might be of great use at this juncture. All those essays did not stop the breaking off of considerable numbers from the indulged.

However those things did not hinder the endeavours of some places to have presbyterian ministers settled among them in a private way; and in January this year, I find upon a call from the people of Eastwood, now vacant by the death of that excellent and successful minister, Mr Hugh Smith, that Mr Matthew Crawford* is entered upon his trials, in order to ordination, and was ordained privately among them. And the reverend Mr Neil Gillies, after the revolution minister of Glasgow, and before this ordained to the family of Argyle, had a call to the town of Greenock.†

There is not much more offers during the beginning of this year from the registers. It seems difficulties cast up in the transportation of such whom the council had banished to the plantations; and therefore, January 16th, they write the following letter to Lauderdale. "Having, after much pains and many processes, sentenced, according to express act of parliament, and sent away several disorderly persons to his majesty's plantations in a ship, which sailed hence in December last, we find the preparative would contribute much to quiet our seditious distempers, if great pains were not taken to persuade people here, that such obstructions will be made as will hinder their transportation. And therefore, from a just zeal to his majesty's service, and for preservation of the government of the church, as it is at present established by law, we thought it our duty to interpose with your grace that you would use all possible endeavours for securing their transportation effectually to the said plantations. And particularly, if your grace find it necessary, you may interpose with his majest for procuring one of his frigates to carry them thither, without which there can be very little hopes of deterring such as will not cease to trouble the peace of the kingdom, unless that they see that his majesty and his judicatories will concur steadily in punishing these who offend." I do not find their request was granted; but this letter shows with what vigour they pursued their sentences.

Towards the end of January, the council issue forth a large proclamation against papists. The noise of the popish plot lately discovered in England was the occasion of this sham proclamation, which did (as one of good intelligence at this time writes upon the copy of it, now in mine eye) help to usher in the trouble and bloodshed which follows, the real design of it being against others who did not join with the established church. The proclamation is long, and contains a great many excellent clauses against the papists, of which no manner of care was taken in the execution. I shall only give an abstract of it. "Charles R. Whereas we have still made it our chief care to preserve religion in its purity, and to see almighty God (from whom alone we derive our power) worshipped; and having found of late, that the bloody, as well as idolatrous principles of the papists, have incited those of that profession to contrive plots against our person and authority, alterations in the government, and the subversion of the protestant religion, endeavouring to enslave us and our subjects to the pope and the see of Rome; and yet we being ever unwilling to punish such as ma

Smith. The non-indulged seemed to incline to the affirmative, and the indulged took the other side.—*Ed.*

* Author of the MS. History of the Church of Scotland.

† Mr Gillies was settled in Glasgow in 1690, and died in 1701; and was succeeded by Mr Alexander Wodrow, brother of the historian, a young man of great promise, who, in 1702, was appointed colleague to his father in the theological chair, but died soon after, to the regret of all who knew him.—*Ed.*

be reclaimed, or even to surprise such as are irreclaimable, have therefore thought fit, with advice of our privy council, hereby to command all jesuits, priests, or trafficking papists, to depart the kingdom betwixt and the first day of March next, with certification that they shall be proceeded against criminally, according to act 120, parliament 12th, James VI. whereby they, and such as reset them, are declared guilty of treason; and that the laws against sayers and hearers of mass will be execute. All papists, of whatsomever quality, are required to deliver up their arms of all kinds, besouth the water of Esk, against the 20th of February; benorth it against the 20th of March; under pain of being punished as contemners of authority; and all magistrates are ordered to seek and search for arms in papists or suspected persons houses, as also all jesuits, priests, and trafficking papists, and commit them to the next prison, that they may be punished conform to law, and to return a report of their diligence at their highest peril. Further, we command, that no papists be suffered to bear any public office, or bear arms in the army. Noblemen and others are discharged to send abroad their children with pedagogues, without a testimonial from the bishop, discharging their parents, if they turn papists, to entertain them, under the pains, act 71st, parliament 6th, James VI. and act 1st, parliament 16th, James VI. and ordain the council to see to the education of the children of papists, conform to act 9th, session 1st, of our 1st parliament. And to the end all our good subjects may unanimously join, not only in hearing the word of God, but in participating of his holy sacraments, we do hereby revive that excellent statute made by our royal grandfather, act 17th, parliament 16th, That subjects of this kingdom shall communicate once a year; and that if any shall abstain, upon any pretext whatsomever, they being by their pastors thereunto required, shall pay the penalties mentioned in the said act; every earl 1000 pounds, lord 1000 merks, baron 500 pounds, freeholder 300 merks, yeoman 40 pounds, and burgess according as the council shall modify. Requiring all magistrates and judges to put the said act in execution, against all persons of what profession soever, conform to the words, as well as the meaning of the act itself. And which we the rather do at this time, because many of the Romish church do delude and abuse our people, under the profession of some, or other of those who refuse to conform to the worship of this reformed church, as it is established by law: and, that all papists may be either convinced or convicted, we command and appoint them to appear before, and confer with the bishop or archbishop of the diocese, betwixt and the 20th of March, and obtain testimonials of the satisfaction they have given. And, in case they fail, the bishops and archbishops are required to take up lists of all papists, particularly such as are excommunicate, or have made defection from the reformed religion, and send in to our council, betwixt and the first Thursday of April next; with certification to all such as do not compear, as said is, that letters will be directed against them, to appear before the council, on pain of rebellion, and their moveables, and the liferent of their lands, rooms and possessions, shall pertain to us as escheat. And we declare, that neither such as shall be denounced, or any others for them covertly, shall be permitted to enjoy their lands, rents, or revenues. And ordain lists of all excommunicated papists to be printed, and affixed in public places, that no judges may suffer any in that list to pursue or bear witness in any cause, till they be reconciled to the church, conform to act 25th, parliament 1st, and act 3rd, parliament 20th, James VI. Our will is herefore, &c. Given under our signet, January 23rd, 1679." 1679.

I can meet with no prosecution of papists at this time, for as numerous and growing as they were, unless it be that this same day the council order G. Young, a papist priest, to be sent to the Bass, till further order. And indeed, as far as I can find, not one of the clauses in the above proclamation were taken any care of by bishops, judges, or others concerned, in as far as they related to papists: but the other branch of it, against nonconformists, was made a handle of to harass them.

At that same diet there is a dispensation

1679. granted by the king to the bishop of Galloway, for his nonresidence in his diocese, though he wanted not a good number of papists to look after in that country; it is a little singular, and the curious reader will desire to see it. January 23rd. His majesty's royal dispensation was read and ordered to be recorded. "Whereas none of our archbishops or bishops may lawfully keep their ordinary residence without the bounds of their diocese respective, unless they have our royal dispensation, warrant, and license for that effect: those are, that in regard John bishop of Galloway is not provided in a competent manse or dwelling house in the diocese of Galloway, and for the better promoving of our service in the church, to allow and authorize the said bishop to live in or near the cities of Edinburgh or Glasgow, or in any other convenient place, where he may be able to attend the public affairs of the church. With whose nonresidence in the diocese of Galloway, we, by virtue of our royal supremacy in causes ecclesiastical, do by those presents dispense, as well with the time past preceding the date hereof, as for the time to come, during our royal pleasure; any canon of the church, or acts of parliaments, enjoining residence, notwithstanding. And we strictly require all our subjects, church-officers, and others, never to quarrel or call in question the said John bishop of Galloway, during the continuance of this our royal dispensation and license, as they will answer to us at their peril. Given at our court at Whitehall, May 28th, 1678, and of our reign the 30th year."

By his majesty's command,

LAUDERDALE.

This singular dispensation affords room enough for remarks upon that exorbitant and boundless supremacy and power over churchmen, and matters now lodged in the king's hand. Nonresidence in churchmen is what will not vindicate; and this dispensation looks forward as well as backward, and might be given to all the fourteen bishops, and their underlings too, for any reason I can observe to the contrary. The way to help the bishop's house had been, to oblige him to reside at his charge: and the public affairs of the church talked of, if any thing be in this but form, one would think the argument would hold for the nonresidence of the rest of the prelates, as well as his. How long the bishop enjoyed his license I know not, but it is probable it continued till he was advanced to the see of Edinburgh.

Upon the 13th of February, the council approve of the report of the commission for public affairs, 'that twenty-four soldiers of the earl of Marr's regiment be sent to the castle of Stirling.' The occasion of this I know not; what follows is of more importance. 'That the committee for public affairs be authorized and impowered to name some of their own number to be a close committee, with power to give warrant to seize and secure such persons as they saw fit.' This was a vast power indeed, to be lodged in the hands of two or three, and those were either prelates, or such as were violently for them. 'That, during the remainder of this session, the council be kept Tuesdays and Thursdays weekly; and that the prisoners, seized and examined for conventicles, have their libel on Tuesday.' The council still approve all that comes from this committee.

Beside what has been already remarked, upon the 25th of February, the same committee propose, and the council approve, 'That some persons, who attend the session-house as agents, are instruments of disorder through the nation, and correspond with vagrant ministers, traitors and fugitives, be called before the committee, and give security for their good behaviour in time coming, or take the oath of allegiance, otherwise that they be banished the town of Edinburgh; that Patrick Glass, prisoner now these four years, be liberate, upon his paying £200 of the fine the council imposed; that the town major have £50 sterling reward, for taking Mr John Mosman, a vagrant preacher, according to the king's proclamation.' And, February 27th, the council order a letter of thanks to be writ to the earl of Seaforth for his diligence in suppressing conventicles in his country. So far north was the desire got, after ordinances dispensed by presbyterian ministers.

Upon the 6th of March the English par-

liament sat down at Westminster. The former had been dissolved last year, in hopes that a house of commons might be got more pliable to the king's designs; but a spirit of liberty seemed to be upon the growing hand among the commons, and a good many of the members in their speeches and actings made very bold with the king, and such whom they took to be evil instruments and pensioners to France about him. There was at this time there a great current against the duke of Lauderdale, and the administration of affairs in Scotland, as very much favouring popish designs. And that the reader may know somewhat of the freedom taken in England to oppose arbitrary measures, and the oppression of the subjects, though their pressures were not near so great as ours in Scotland, I have insert a speech handed about at this time, said to be delivered by Sir Francis Winnington late solicitor general, and now an eminent member of the house of commons, March 27.* And upon the 29th of the same month, the earl of Shaftsbury had another in the house of peers, when upon the consideration of the state of the nation, which relates so much to our Scots affairs, and made such noise at this time, that I likewise insert it.† These patriots in England had a much deeper sense of the hardships put upon us in Scotland by our council than many of ourselves. 1679.

The duke of York was reckoned, by such who appeared for the liberties of England, to be at the bottom of all the maladministrations they would have been rid of. Even before the parliament sat down the king found a party forming against his brother, and towards the end of February gave it him as his mind, that he should retire from court. The duke was averse, till the king sent him his mind in writ, under his own hand, as follows. 'Whitehall, February 20th, 1679. I have already given you my reasons at large why I think it fit you should absent yourself for some time be-

* *Speech, Sir Francis Winnington to the house of commons.*

The king cannot pardon treason against the government, for then the government cannot be safe from evil ministers: could kings have done it, would not Bell, Hemp, Worsillon, and the Spencers have been pardoned? Kings should be the sanctuary of the people from the oppression of evil ministers, but not the refuge of the enemies of the government, of such arch-transgressors as Danby. If Danby may be pardoned, then the papist lords in the tower may be so too, and all the jesuits now in Newgate may be pardoned. Is this the way to secure the laws and protestant religion? The king is limited in power, or it cannot be a legal power as ours is; the limitation is to the good and behoof of the people; but in cherishing of an open and notorious traitor, the minister of common mischief, and common centre in which all the lines of confusion and mischief meet, is this for the good and behoof of the people? A prerogative is to abate the rigour of justice, and not to elude and destroy justice. If ministers may be pardoned, at the prince's pleasure, for all the wrongs they do to the people, whilst the prince is sworn to protect the people from these wrongs, and is therefore both intrusted and paid, there is no security, and our pretended free and legal government is a mere cheat, and we are all arrant cheats. Besides this is treason impeached in parliament, and therefore not pardonable out of parliament. This is a national and catholic treason, the life and root of the government is invaded, and a pardon here is so unreasonable a thing, that it ought to be placed to his account, who dares plead it, and ranked amongst the rest of such evil counsels. The bill preparing in the house of lords is not his punishment, but his pardon a salvation by act of parliament. Who will be deterred from treason? who can make such a precedent as this, to escape with impunity, to carry away honours and wealth as the reward of treason, and the poor people's spoils, and that at such a time as this, and be tardy to himself? If this must be, it must be good and meritorious to invade property, betray the kingdom, sell the people, encourage popery, suborn witnesses, strangle and smother the discovery of the plot. Remember how ye use him, you make him an example for the rest; if he must live, let him not survive his glory, at least degrade himself, sequester him, that is, to reduce him of as Sir Thomas Osburn, and as poor and indigent, and leave him nothing he has got by his monstrous acts. He hath got what the kingdom, I am bold to say, these lords that agree not with this, speak one word for him, and two for themselves; they will do the same thing to end with the same security. It is a license to cheat the king and kingdom for five years. If this must be, I pray let there be a clause in the bill, to pardon all villanies and treasons whatsoever, against the government, as well for the poor as rich. Let not the great rogues escape and go rewarded: was Pein, Berry, and Hill hanged for murdering Godfrey? must he escape that so bitterly discouraged and menaced him? Or what reason was there that Groves and Ireland should die for being on the plot, whilst he is rewarded that did conceal it, and would have turned it upon others? To conclude, if after this discovery made by God, and progressed by us as instruments, this point be delivered up; they shall not escape unpunished, and God shall bring deliverance some other way.

† *Speech of the earl of Shaftsbury to the house of lords, March 24th, 1679.*

My lords,—You are appointing the considera-

1679. yond sea. I am truly sorry for the occasion; for you may be sure I shall never desire it longer than it shall be absolutely necessary for your good and my service. In the meantime I think it proper to give you it under my hand, that I expect this complaisance from you, and desire it may be as soon as conveniently you can. You may

---

tion of the state of England, to be taken up in a committee of the whole house, some day the next week. I do not know how well what I have to say may be received, for I never study either to make my court well, or to be popular. I always speak what I am commanded by the dictates of the spirit within me. There are some other considerations which concern England so nearly, that without them, you will come far short of the safety or quiet at home. "We have a little sister, and she hath no breasts, what shall we do for our sister in the day when she shall be spoken for? If she be a wall, we must build upon her a palace of silver, and if she be a door, we will inclose her with boards of cedar." We have several little sisters without breasts, the French protestant churches, the two kingdoms of Scotland and Ireland. The foreign protestants are a wall of defence to England, upon which she may build a palace of silver, a glorious palace. The protection of the protestants abroad, is the greatest peace and security that the crown of England can attain to, and which can only help us to give a check to the growing greatness of France. Scotland and Ireland are two doors that let in good or mischief upon us. They are much weakened by the artifices of our cunning enemies, and we ought to inclose them with boards of cedar. Popery and slavery, like two sisters, go hand in hand. In England, popery was to bring in slavery, in Scotland, slavery was to go before, and popery was to follow. I do not think that your lordships, or the parliament have jurisdiction there. It is a noble and ancient kingdom; they have an illustrious nobility, a gallant gentry, a learned clergy, and an understanding worthy people. But yet we cannot think on England as we ought, without reflecting on the condition they are in; they are under the same prince, and the influence of the same favourite and counsels, and they are hardly dealt with. Can we that are the richer expect better usage? For it is certain, that in all absolute governments, the poorest countries are most favourably dealt withal, when the ancient nobility and gentry cannot enjoy their royalties, freedoms, and stewartries, which they and their ancestors have possessed for several hundred years; but they are now enjoined by the lords of the council, to make deputations of their authorities to such as are their own enemies. Can we expect to enjoy our magna charta long, under the same persons and administration of affairs? If the council-table there can imprison any nobleman or gentleman for several years, without bringing him to a trial, or giving the least reason for what they do; can we expect the same will ever preserve the liberties of the subjects here? I will acknowledge I am not versed in the particular laws of Scotland; but this I know that all northern countries have, by their laws, an undoubted inviolable right to their liberties and properties; yet Scotland hath outdone all the eastern and southern countries, in having their lives, liberties, and estates subjected to the arbitrary will and pleasure of those that govern. They have lately plundered and harassed the richest and best countries of that kingdom, by having brought down the barbarous Highlanders to devour them, and all this without any colourable pretence, nor can there be found out a reason of state for what they have done, but that these wicked ministers designed to procure a rebellion at any rate, which, as they managed it, was only prevented by the miraculous hand of God: for otherwise, all the papists in England would have been armed, and the fairest opportunity given in that time, for the execution of that bloody and wicked design the papists had, as it is not possible for any man that duly considers it, to think otherwise, but those ministers who acted it, were as guilty of the plot as any of the lords that are in question for it. My lords, I am forced to speak this the plainer, because, till the pressure be fully and clearly taken off from Scotland, it is not possible for me, or any thinking man, to believe that good is meaned us here. We must still be on our guards, apprehending the principle is not changed at court, and that these men who are still in place and authority, have that influence on the mind of our excellent prince, that he is not, nor cannot be to us, what his own nature and goodness would incline him to. I know your lordships can order nothing in this, but there are that hear me who can put a present cure to it, and till that be done, the Scots wierd is, *mors in olla*, death in the pot. But there is something that most immediately concerns us, the act for 22,000 men to invade us on all occasions; this I hear the lords of the council have treated (as they do all other laws) and expounded it to a standing army of 6000 men. I am sure we have reason and right to beseech the king, that that act be better considered in the next parliament there. I shall say no more of that kingdom at this time, for I am afraid your lordships may think I have said too much, having no concerns there; but if a French nobleman come to dwell in my house, and my family, I should think it concerned me to ask what he did in France, for if he were there a villain, a rogue, or a plunderer, I should desire him to live elsewhere, and I hope your lordships will think fit to do the same thing for this nation, if ye find the same cause. My lords, give me leave to speak two or three words concerning our other sister Ireland; thither, I hear, is sent Douglas his regiment to secure us against the French, besides, I am credibly informed, the papists have their arms restored, and the protestants are not many of them recovered from being the suspected party. The sea towns, as well as the inland, are full of papists; that kingdom cannot long continue in English hands, if some better care be not taken of it; this is in your power, and there is nothing there but what is under your laws. And therefore, I beg at least, that this kingdom may be taken into consideration together with the state of England, for I am sure there can be no safety here, if these doors be not shut up and made safe.

easily believe with what trouble I write this to you, there being nothing I am more sensible of than the constant kindness you ever had for me. I hope you are so just to me as to be assured, that no absence or any thing else can ever change me from being truly and kindly 'Yours, C. R.'

When the duke had stepped out of the way, and after the utmost endeavours of the king and courtiers to prevent it, the house of commons now appearing vigorously for the protestant religion, and the civil rights of their country, in May brought in a bill for excluding the duke of York, and to bring the next protestant heir to the succession. And considering that the struggles of the sufferers I am accounting for, were with the duke's party in Scotland, and really upon the same foot with these of the patriots in England, and that too many in these lands are yet hankering after the chains the English commoners would fain have thrown off, even when now we may feel the inexpressible benefits of the protestant succession's happily taking place among us by an after establishment upon the same bottom with this bill, setting aside the whole popish race of claimants: upon these grounds I take it not to be improper to insert an abstract of this bill in this place.

'Forasmuch as the kingdoms of England and Ireland have long since been delivered from the slavery of popish superstition, for that it advances the power of the pope, and diminishes that of sovereign princes, and makes him monarch of the universe, withdraws subjects from their allegiance, and subverts the end of the christian religion.

'But notwithstanding popery hath been condemned by law, for its detestable doctrine, and traitorous attempts against the lives of sovereign princes, yet the pope's emissaries and agents resort to this kingdom, and have by their own arts and policies, and the assistance of foreign princes, contrived and carried on a conspiracy to murder the king, subvert the government, and destroy the protestant religion; and for the better effectuating thereof, have seduced the duke of York, the presumptive heir of the crown, to enter into negotiations with the pope, his cardinals and nuncios, 1679. for promoting the popish church and interest, and by his means, advanced the power of the French king, to the manifest hazard of these kingdoms.

'And forasmuch as the parliament of England have hitherto directed and limited the succession to the crown, frequently out of its ordinary course, but never had such reasons as now to use their extraordinary power.

'Be it enacted, that the duke of York, (having publicly professed the Romish religion, which hath notoriously given birth to the late plot) be excluded and disabled for ever from inheriting the imperial crown and government of this realm: and that upon the demise or death of the king, the crown and government shall be devolved to the next heir of the protestant religion; and whatever acts of sovereign power the said duke shall exercise, shall be judged high treason, and punished accordingly.

'And forasmuch as the safety of the kingdom depends upon the execution of this law, be it further enacted, that if any person shall aid, counsel, or correspond with, or contrive his return to any of the king's dominions, or declare him to be lawful heir, or, after the king's death, publish or declare the duke to be king of England or Ireland, or to have right thereunto by word, writing or printing, shall be guilty of high treason. And forasmuch as the duke's return into any of the king's dominions, will naturally conduce to great mischiefs upon them, be it enacted, that if the duke return to any of the said dominions, he shall be attainted of high treason; and all persons are required to apprehend and secure his person, and in case of resistance, to subdue and imprison him by force of arms.'

The event of this bill every body knows: the king resolved to venture all before he would permit it to go through. To support the bill, without doors were handed about, 'Reasons against a Popish Successor,' a paper not long, and much liked, and which deserves our consideration still, and it follows.*

* *Reasons against a Popish Succession.*
It is conceived, and that very candidly, with-

1679. But I leave the English affairs to their own historians, and return to what passed among ourselves. Sometime in the beginning of this month, a few persons by a trick got in major Johnston, one of the captains of the train bands of Edinburgh, a most violent persecutor, to a house under pretext of a conventicle, and threatened

---

out prejudice to others' judgments, or troubling ourselves with that so often baffled a cause, called popery, that a papist, or one popishly affected ought not to inherit, or succeed in the management of the crown.

Reason I. In strictness of law, because one so qualified hath wilfully disabled or rendered himself incapable of that benefit, which the common law (after the usual course of descent) doth positively require; for it is presumable, that he who succeeds in the office of the crown, should be legally adopted to execute so great a trust; and, therefore, if *minus idoneus*, be not sufficiently ballasted with the notion and intrigues of state, others are to govern in aid of him, as in case of idiotry, lunacy, or the like, and the parliament is bound (as intrusted to redress grievances, and secure the nation) to place it where religion and property shall be adjudged most safe. There are several precedents of this nature.—1*mo.* Edgar Atheling (as stories agree) was the undoubted heir, yet William the Norman, commonly called the Conqueror, was called in to oppose Harold, and invested with the crown, and Atheling for ever an exile, and disinherited. —2*do.* After him succeeded his second son William Rufus, and not Robert the eldest. —3*tio.* King John not only laid aside after, Plantagenet his eldest brother's son, but likewise put him to death.—4*to.* In Sicily, there was lately a great contest between the two sons of Charles II. Mortelus and Robert, and I find the crown awarded to Robert the younger, as *magis dignus ad regnandum.*—5*to.* Alexander was demanded, to whom he would bequeath his sceptre; he said, the worthiest, and to him whose sword had the sharpest point, meaning, whose virtue was most luculent, and of the brightest integrity, after the disposition of Jacob passing by Manasses, and conferring the blessing upon Ephraim the younger, as more deserving and acceptable to God.—6*to.* The state of France rejected the king of Navarre, and appointed another to reign over them, because of his religion, and when afterward the said king of Navarre came to be Henry IV. of France, it was by his forsaking God, and complying with the church of Rome, by means of which he thought to settle the crown upon his head; but was so much mistaken therein, that he thereby left both crown and life together.

Reason II. Can it be thought, but he that succeeds in the crown, should not succeed *concurrentibus his qui in jure requirunt*, as the civil law expresses it, that is, in all the concernments thereof, which are the laws, principally those that relate to religion, and not for one man, led away with a blind perverseness, renouncing the religion, he knows not why (and so wilfully attainting himself) to inthral the nation in superstition and tyranny, for regularly, in all parts where popish lords are in the church, there tyranny (of course) rages in the state.

Reason III. It is a maxim amongst lawyers, that *lex facit regem*, and maxims must not be denied. If so then, to speak out after the true intendment of law, he that comes not to the crown *satiatim*, as the laws notify and prescribe, it is no lawful succession, but downright usurpation: and, without scruple, it is the endeavour of every good Christian, to withstand an usurper, it being undoubtedly more pleasing to God, to put one man by, who thus wilfully disables himself, and withal most shamefully usurps, than expose millions of souls to damnation, and the streets to flow with blood, by suffering that religion to creep in, whose reformation (at the mildest rate) will certainly prove fire and faggot. For this very cause, Maachah was removed from being queen by her son king Asa, for making an idol in a grove, incited thereunto by the prophet Azariah.

Reason IV. The succession of the crown, and a common descent much differ; for if an heir that is a subject, prove loose and debauched, it little damnifies the public; more deserving persons may happily perchance step into his house, and be more serviceable to the public, the damage is still but private to his own family; but in case of the crown, there is none so senseless but must needs conceive the damage most fatal, because universal. The whole nation must inevitably suffer, religion be subverted, and property be destroyed, and the whole people in danger of their lives. It is well known in a private case, the heir is usually thrown off and disinherited; if an entail, it may be destroyed: and if law justifies it, the like in the public; and therefore the grand inquisitor of state, and conservator of the liberties of England, the parliament, may, for weighty causes, refuse the heir presumptive, and, for the safety of the nation, settle it, where they in honour and prudence shall conceive most proper.

Reason V. We read in scripture (which is the golden rule that we must walk by) that Libnah revolted from Jehoram, because he had forsaken the God of his fathers; so we had better forsake man and adhere to God, in keeping our religion, than trust to man and lose God, to be unavoidably destroyed here and hereafter, irrecoverably damned in serving Baal, and parting with the divinity now established.

Reason VI. When Rehoboam had prepared a great army to reduce the Israelites, he was forbidden by the prophet. "Thus saith the Lord, ye shall not go up, nor fight against your brethren, for this thing is from me." Mark, he calls them brethren, not rebels. Passive obedience therefore is simple, and fit for such that know no better: now God has discovered the snare and the pit of ruin, that the pope and the devil has prepared for us; if we do not timely countermine it by cautionary laws, to suppress those that digged it, we may in a short space be thrown into it headlong, and none pity us. But the right line, with some shallow-pated talkers, is a *noli me tangere*, so sacred (forsooth) that we must rather venture body and soul, in subjecting ourselves to all the curses imaginable, that hell itself can inflict upon us, than in the least alter or control it; a vain frivolous cavent, and not to be heeded by us; for human examples (as I showed before) have been noted against it,

and soundly beat him. This taking air, the council were extremely hot upon the discovery of it, and issue out a severe proclamation, March 12th, which I have inserted below.* Every body who hath any humanity, much more such as have any sense of religion, will abhor the murdering tenets spoken of in the narrative. Who they were who overturned the principles of all society, and printed jesuitical and murdering tenets at this time, I know not. After all the enquiry I can make, I can find none of the suffering presbyterians guilty of any thing of this nature. The things alleged pointing this way some years after this, shall be candidly considered, and I must, till I see the matter vouched, reckon this a piece of necessary style, upon the false information the council had got; since I find by several accounts of this matter at this time, that no assassination or murder of the major was ever once thought of; and if it had, it 1679.

and the Scripture warrants it. Samuel foretold in the case of Saul, that he would be rejected for his disobedience, though not his person degraded or deposed, yet that the kingdom should be removed both from his line and tribe, which was done accordingly, and transferred on David. This proves very fully, that the heirs or next in succession are not so immoveably placed, but that they may lawfully, and on just causes, be displaced, if not legally qualified, and others put up for God's glory in their rooms. God raised Jehu, to purge idolatry, against the house of Ahab. All the sons of Ahab were beheaded, and in a manner his whole line cut off. For his good service he had a promise of a special blessing for his issue, to continue the throne to the fourth generation. Several other instances I could give, but this may suffice. In brief, there is no reformed church from the first Waldenses of Lyons and Languedoc, to this very day, but have held it lawful.

Reason VII. It is conceived by half-witted statesmen, that restrictive laws may prevent all mischiefs, and secure the protestants, a very vain opinion, and most fallacious; for laws will never bind, but more enrage: shackle him as you will, and load him with never so many laws, when king, he and his party will be restless till they have set themselves at liberty, to have the protestants under; for when king, he is not impeachable, and the *postes regni* will be at his disposal. When the wolf is shepherd the flock is very safe indeed, and like to be well looked after, all may devour that will; for if his party commit such outrages, that no age can parallel, what will they do then? Now no man is safe in his bed, then none safe at all, they will adventure to murder people in their very houses, for they hold it no more sin than to kill a dog.

Reason VIII. In fine, be sure he and his party (which will increase daily, and the protestants decline) will soon get an opportunity either by stratagem, or open force, to avoid all laws, though they are never so strong and wary, and therefore it will be impossible to be safe without a protestant successor.

* *Proclamation, March 12th, about major Johnston.*

Charles, by the grace of God, king of great Britain, France and Ireland, defender of the faith; to our lovits, macers, or messengers at arms, our sheriffs in that part conjunctly and severally, specially constitute, greeting. Forasmuch as, notwithstanding of our tenderness and clemency to all our subjects, which hath extended even to those who have not cared to conform themselves to our laws; yet severals pretending to be of the protestant profession, have not only disgraced, and endeavoured to ruin the true reformed religion, established in this our kingdom, and overturned the principles of all society and government by a bloody and distracted false zeal, which hath prompted them to open rebellion, to the printing of jesuitical murdering tenets, and the deforcing and invading such as are clothed with our authority; but also have proceeded to such extravagant and inhumane practices, as tend to the destruction of mankind itself. Amongst many instances whereof, some villanous murderers did lately lay a design to kill and assassinate the town major of Edinburgh, for whom they having sent, upon pretext to dissipate a conventicle, they did discharge many shots at him and other soldiers who assisted him, and thereafter wounded him and them mortally in several places of their bodies, threatening to kill him if he would not swear never to put our laws in execution. Which affront being done publicly to our authority, in the capital city of our kingdom, the very day of the meeting of our council, and being a practice laid down to terrify all such as serve us, and to involve all in a confusion, which they most earnestly wish: therefore we, with advice of our privy council, do hereby invite all such as can make any discovery of that designed horrid villany and assassination, and assure all such as can make any discovery, even such as have had accession thereto, of our full indemnity, and of the sum of one thousand merks, to him who shall be the discoverer of any in accession thereto, so as they may be apprehended, but especially of Mr John Kay, son to the deceased Mr Adam Kay, late minister at Borg, (who is proved to have been the ringleader of these miscreants, and who was formerly apprehended in the like fanatic tumult, and outrageously cried to stab the town major) as also Turnbull, tenant to Broomhall, and Turnbulls his two sons, Michael Cameron son to Allan Cameron, and Crawford sister to captain James Crawford, who lodged these assassinates, and is fled with them. Our will is herefore, and we charge you straitly, that, incontinent thir our letters seen, ye pass to the mercat-cross of Edinburgh, and other places needful, and thereat, in our name and authority, make publication of the premisses: and ordain these presents to be printed. Given under our signet at Edinburgh, the twelfth day of March, 1679, and of our reign the thirtieth-one year.

Per actum Dominorum Secreti Concilii.

THO. HAY, Cl.

GOD SAVE THE KING.

might have been easily accomplished:
1679. but no such thing was in design. So that what follows of an attempt of killing the major, and mortally wounding some of the soldiers, must be looked on as the aggravated information of the party. And if any such villanous attempt was made, I shall be the last man to say any thing in its alleviation. After all these aggravations, a thousand merks are promised to the discoverers, as in the proclamation. Had the information given to the council been true, there had not been wanting ground for this severe proclamation. By a letter of theirs to the duke of Lauderdale, March 11th, I find the story told them was; "that eighteen or twenty armed men, prompted by the bloody principles of their traiterous books, did send for the major to the house of one Mrs Crawford, a known and most irregular fanatic, and at his entry discharged several shots at him, and those he had with him; after which, with drawn swords, they beat, bruised, and threatened to kill him, if he would not swear never to dissipate conventicles; which he having refused according to his duty, they mortally wounded him, and some that were with him." This, no doubt, was represented; but it is odd how it could be believed by the council. He was frighted and beat, but for mortal wounds, it is a mere aggravation. We have already met with a story of this nature trumped up by Carstairs, though with less ground than was here; and we shall soon find the major well again, and as violent as ever. I am well assured this business stood thus. Two or three persons whom the major had been hard upon, got some body or other to give him a hint of a conventicle in a house where they were: he took it, and straight went there; and when he came in, he was indeed frightened and beat, and threatened till he promised never more to be so violent against conventicles; and it was merely a piece of private revenge for personal injuries.

However, the jest and affront put upon the major was carried a terrible length by the council; and to show that every thing was made a handle of against the suffering ministers, I have annexed an act of council made this day, where they order lists of all lodgers in Edinburgh to be given up every night to the magistrates, and most unmercifully vent their spite against the wives and families of all outed ministers, and order them to be turned out of town against the 21st of March, under the pain of an hundred pounds sterling.* One may justly ask, what had they done? and was this justice or reason, because the major had been drubbed by some, at whose hands, it may be, he deserved this, that the innocent wives and families of presbyterian ministers, who knew nothing of the matter, should be sent a wandering and begging? I find this act was likewise extended to Glasgow, and the magistrates there received the same orders, which put many religious harmless families to sore straits, many of them not knowing whither to flee.

That same day the council pass a very severe act against such as are denounced for their noncompearance, in processes for conventicles and nonconformity. "The —

* *Act of council, March 12th, 1679.*

The lords of his majesty's privy council have thought fit, upon several weighty considerations, hereby to require and command the magistrates of Edinburgh, presently to take up a list of the men and women betwixt sixty and sixteen, and to deliver the same in to the council, or their committee (which lists they are to take up by constables, or such other persons as they shall think fit to employ.) And further, the bailies of the said burgh are hereby strictly and peremptorily required and commanded to cause their constables, or any other for whom they will be answerable, to take up lists of the names and designations of the haill persons, that are, or shall be lodged in the city of Edinburgh, each night: and that the said constables, or others employed, deliver the same each night to the bailie of the respective quarters of the town, and the bailie to deliver them to the captain of the guard before ten a clock at night, who is to deliver them nightly to the major-general, or commanding officer, in his absence, under the penalty of an hundred merks for each person's name who shall not be delivered up, to be paid by the bailie of the quarter, reserving the bailie his relief off the constables, and the constables off the landlords, and others concerned. And further, the said lords do hereby require and command the magistrates of the said burgh of Edinburgh, to turn out the wives and families of all outed ministers, fugitive and vagrant preachers, and intercommuned persons, forth of the city of Edinburgh, and suburbs thereof, betwixt the 21st of March instant next ensuing, under the penalty of an hundred pounds sterling, for each family of such person or persons, as shall be found within the town or suburbs thereof, after the said day. Extracted by me

THO. HAY.

lords of his majesty's privy council considering that the late schismatic disorders have (upon frequent citations before the council on pain of rebellion) increased scandalously the number of rebels, and the offenders expect impunity by being denounced rebels, knowing too well, that they cannot be otherwise punished than by declarators upon rebellion, whereas the smallness of their estates will not bear the charge, nor will the nature of the process allow so long delay, have therefore thought fit to order his majesty's advocate to add to the ordinary certification of rebellion, that the persons to be cited personally shall be holden as confest, and fined in the respective sums appointed by act of parliament in case of noncompearance, and that the council may make choice of either of the certifications, for the peace of the country and his majesty's service, as they shall think fit, where the defenders are personally cited." The hardships of this act I leave to the gentlemen of the law: it seems beyond the council's power to introduce a new manner of citation, especially when so captious as this is.

Little more offers till the beginning of May, unless it be some things with relation to field conventicles in April this year, and the barbarous murder committed upon the twentieth of that month near Loudonhill. From the parcelling of the soldiers up and down, and their numbers and activity, the keepers of conventicles were obliged a little to alter their method. Towards the end of the last year, some ministers began to withdraw from preaching with their brethren, with whom they used to preach in the fields formerly, who were not now for entering either upon the indulgence or cess in their sermons to vulgar auditories, and drew up with the young preachers I have formerly spoken of, and continued to preach together with them pretty much on these points this winter and spring. Some papers before me, writ by some of that side, say, that field meetings in the beginning of this year were more numerous than formerly, and many were obliged to come with arms to defend themselves, because they were frequently attacked by the soldiers and garrisons; and for their safety as well as harmony, the ministers and such who waited upon them, resolved to keep as close together as might be. They had found that by preaching in separate places, and scattering themselves, they were very much weakened, and the soldiers got advantage this way against them, and sometimes the ministers were in hazard to be seized, and several of the hearers were taken. Therefore they determined to narrow themselves into one meeting in such places which stood most in need of the gospel, and where they might gather and preach in the greatest safety. Thus they continued for twenty Sabbaths without intermission, from December to May. I do not doubt but this course they took tended to heighten the separation; and when they were alone without conversing with others, and preaching with persons more moderate, severals who joined with them did heighten the breach, and screw up matters the length they came to. Meanwhile, Mr Welsh and others of his temper preached in other places, with whom there were not many in arms, and endeavoured to calm matters as much as might be. 1679.

Upon the 30th of March there was a sermon and large meeting at Cumberhead, in the parish of Lesmahago, not far from Lanark. The soldiers hearing of it, sent a good body of men to dissipate them: the party understanding the numbers of the meeting, and how well many of them were armed, did not find it convenient to attack them; but kept at some distance, and satisfied themselves with rifling some women, who were going to the meeting, of their plaids, bibles, and the like, and seizing some men. This coming to the knowledge of the meeting, a good number was sent off in arms to require the prisoners, and the women's plaids, &c. The commander of the soldiers refused both, and a scuffle ensued, wherein the officer was wounded, and some of the soldiers taken prisoners; but they were soon dismissed. When the account of this came to Glasgow, my lord Ross and the soldiers there marched up towards Lanark, and the country thereabouts was sore harassed for some weeks.

The accounts of this scuffle came in to the council, April 3rd, very much aggravated: "and they order the commissioners

1679. for assessment in the shire of Lanark, to meet and provide hay, straw, and corn for the forces to be sent there against some rebels who have lately appeared in arms about Lesmahago, where it seems the scuffle was; and if it be not timeously provided, the major-general is allowed to give orders to take it where it may be had, upon paying the established prices." And next day they appoint the earls of Marr, Glencairn, Linlithgow, lord Ross, the advocate, and several others as a council committee, with a justiciary power to sit at Lanark, and examine this matter. Their commission I have annexed.* Accordingly they met April 25th, and made a most diligent enquiry, and were not unwilling to have found some of the country people guilty; but nothing further than what is above could be found. This matter will appear best from their own report which they

---

* *Commission to committee at Lanark, Edinburgh, April 4th*, 1679.

Charles, by the grace of God, king of great Britain, France and Ireland, defender of the faith; to all and sundry our lieges and subjects whom it effeirs, greeting. Forasmuch as, we, with advice of our privy council, have, in prosecution of our laws and acts of parliament made against field conventicles, these rendevouzes of rebellion, issued forth several acts and orders to our sheriffs, and other magistrates, and the officers of our standing forces, and particularly for dissipating any numbers of people convened at these field conventicles; and in case of resistance, to pursue them by force of arms. And whereas, upon the thirtieth day of March last, some of our forces quartered in the shire of Lanark, being informed of a numerous field conventicle kept at Cumberhead in the parish of Lesmahago, and a party of them having gone to the place, and required them in our name to dissipate that unlawful meeting, the said persons being formed in companies and troops, and armed in a warlike manner, did not only most villanously and traiterously refuse to dissolve, and express themselves most treasonably against us and our authority; but invaded and assaulted the said party, fired upon them, and wounded and took several of them prisoners, which they kept and detained during their pleasure; and we being fully resolved, that the persons guilty of such a treasonable attempt and rebellion, shall be proceeded against with all severity according to our laws, as also, with all those that have been aiding, abetting, or assisting to that treasonable attempt, and that a search shall be made after, and trial taken thereanent, in the best and expedite manner and method; and considering, that the same may be done most conveniently upon the places, and that the extraordinariness of the exigent, and our most special concern therein does require that the same be gone about with all the respect and observation necessary: we therefore, with advice of the lords of our privy council, do hereby nominate and appoint our right trusty and well beloved cousins and counsellors, Charles earl of Marr, earl of Glencairn, George earl of Linlithgow our major-general and commander in chief of our forces, George lord Ross, Charles Maitland of Halton our treasurer-depute, Sir George Mackenzie of Rosehaugh our advocate, and Richard Maitland of Duddop, to be our commissioners to the effect underwritten, with power to them, or any three of them, to meet at the burgh of Lanark, the twenty-third day of April instant, for the first diet, and thereafter to appoint their own diets, and places of meeting, with power to choose all members of court needful, issue forth letters or precepts, for citing of parties or witnesses before them; and particularly to call before them the sheriff-deputes of the shire of Lanark (whom our council has formerly instructed to examine all persons dwelling or residing within the parishes of new and old Monklands, town and parish of Lesmahago, town and parish of Lanark, the parishes of Carmichael, Pittinan, Carluke, Dalserf and Douglas, and adjacent parishes, anent their guilt of, or accession to a late treasonable attempt and combination, and upon the other points contained in their instructions) to give an account to them of their diligence, and the depositions of the persons compearing, and the lists of the absents, with power to our said commissioners, thereupon to cite before them any heritors or commons they shall think fit, either for their own guilt, or heritors to exhibit their tenants living upon their ground, who appear not, and to be answerable for them, and to proceed against them both, or either of them, either by fining, confining or imprisonment, conform to the laws and acts of parliament of this kingdom, and particularly the 6th act, parliament 3rd, king James V. and 144th act, parliament 12th, James VI. As also, with full power to them to call before them the sheriffs principal, other magistrates, or their deputes within the said shire, or other shires adjacent, who are to receive and obey such orders as our said commissioners shall think fit to direct: and siklike, to call to their assistance, such of the standing forces or militia, as they shall think fit, and to give such orders to our major-general, as they shall judge necessary for our service, and to do every other thing requisite for prosecuting of this our commission, as if our council, or a quorum of them, were present, and might do themselves; *promitten.* to hold firm and stable, &c. And since we are resolved to punish this attempt in a most exemplary manner, we have thought fit, with advice foresaid, hereby to make and constitute the said earls of Marr, Glencairn, Linlithgow, the lord Ross, treasurer-depute, and Richard Maitland, our commissioners of justiciary, to the effect following, with power to them, or any three of them, to meet at Lanark, or any other place they shall think fit, and to affix and hold justice courts, issue forth precepts for citing assizes and witnesses, and to call and convene before them any persons guilty of, or accessary to the said treasonable attempt and combination, guilty of rising in arms, or contributing of money to maintain men as soldiers, in opposition to our

make to the council April last, which I have insert.*

The reader will observe that they take notice of the murder of two soldiers near Newmilns, which I now come to give some narrative of, as what made a great noise at this time. And I shall give a candid and fair account of it from letters writ 1679.

authority, and to put them to the trial and knowledge of an assize, and, according as they shall be found innocent or guilty, that they cause justice be done upon them conform to the laws of our kingdom; with power to them to create clerks, and other members of court needful, and to do every other thing in the premisses, as if a quorum of our commissioners of the justiciary, who ordinarily meet at Edinburgh, were personally present; and ordain our said commissioners to report an account of their diligence and procedure in the premisses, to our council, betwixt and the first day of June next, or sooner, if they find cause, for their approbation.

Given under our signet, at Edinburgh the fourth day of April 1679, and of our reign the thirtieth and first year.

* *Report of the committee at Lanark, April ult.* 1679.

The report underwritten, of the commissioners of council met at Lanark, by virtue of the commission dated the fourth day of April instant, being read in council, was approven, and appointed to be recorded, whereof the tenor follows.

Lanark, 25th April, 1679.

Your lordships of the council, having, for facilitating that business, appointed Mr William Cochran, and Mr William Nimmo, two sheriff-deputes of the sheriffdom of Lanark, to cause cite the haill tenants in the said parish of Lesmahago before them, as also in these adjacent parishes, *viz.* the old and new Monklands, town and parish of Lanark, parishes of Carmichael, Pittinan, Carluke, Dalserf and Douglas, and to examine them upon their guilt and accession to the said violence, and to have their report in readiness, to be considered by us at our first meeting. Several days before our meeting, we caused issue forth summons under the council's signet against the whole heritors within these parishes, to appear before us upon the 23d, 24th, and 25th instant. At our first meeting, we called before us the said sheriff-deputes, for an account of their procedure and diligence, who, by their report subscribed with their hands, gave us an account, that they had caused cite the haill tenants of these parishes to appear before them at Hamilton and Lanark, upon the 16th and 18th days of this instant, whereby we find that very few appeared, and these who have appeared, have freed themselves by their oath, so that thereby no discovery did arise, but do find, that the said sheriff-deputes have done all that was possible for them in so short a time. We are informed that the feuars of the parish of Strathaven, who belonged to the duke of Hamilton, were persons most guilty, who were not insert in the first letters, but there being a great multitude of them, it was not possible, in so short a time, to cite them before us, and proceed against them in the commission; and therefore did remit it to the sheriff-deputes to proceed against them. In the tolbooth of Lanark, these following persons being prisoners, *viz.* William Weir servant to the goodwife of Bowhouses, James Bailie of Glentewin, Joseph Thomson chapman, Christopher Dick weaver, and tenant to Corhouse, William Cassils in Douglas, John Park in Lanark, Francis Hastie there, William Lindsay in Pittinan, John Williamson in Lesmahago, William Inglis in Douglas, and Robert Graham there, which Robert was apprehended at a conventicle in women's clothes; and we being informed, that the said William Weir was at the conventicle at Cumberhead, and was one of those that did invade and wound lieutenant Dalziel, we were resolved to have processed him for his life, and to have hanged him for a public example, and to have founded the dittay upon the 4th act, parl. 16. James VI. anent invading the king's officers; upon which consideration we fenced a justice-court, and called him before us, and having examined him judicially, as also two of the dragoons as witnesses against him, it could not be made appear that he was either in arms, or did invade or strike the lieutenant; but it was clear that he did take hold of the lieutenant's horse, and hindered him to get off, and gave him ill language, so that we could not be able to reach him upon the said act as to his life: wherefore we have thought fit to send him in prisoner, to be disposed upon as your lordships shall think fit. The said William Cassils being taken at the said conventicle in arms, and so falling under the compass of law for his life; but in regard, both by lieutenant Dalziel's own declaration, and otherwise, it was made appear to us, that he was the person that saved the said lieutenant's life, we thought it not fit to process him, but ordered him instantly to be dismissed, that the whole country might know the king and council's inclination for mercy and favour, to all such as give any countenance or assistance to authority, and assist any of his majesty's forces when they are in danger. The rest of the persons prisoners being mean and inconsiderable, and not guilty of any extraordinary thing, we did remit to the sheriff-deputes to proceed against, and fine them according to law. The said James Bailie having confessed himself to be at a field-conventicle, and to have entertained strangers at his house, being a private house, without enquiring what they were, in regard he promised to live orderly hereafter, and not to go to conventicles, we ordered him to be set at liberty, upon caution to that effect, under the pain of five hundred merks *toties quoties.*

The heritors in the several parishes, being called upon the 23d, 24th, and 25th of April instant, the far greater part of them were absent, against whom the certification of the letter was granted, ordaining them to be denounced for their contempt, conform to the rolls and executions: and as to these who did appear, his majesty's advocate declared, that he restricted the libel to that part thereof, that they themselves were guilty, accessory, art and part in the violence committed upon his majesty's forces, and instead of all further probation, referred the verity thereof to their oaths; who being all of them solemnly sworn thereupon, did clearly purge

1679. by good hands, the rather that this was the only thing which could give any colour for charging those who did not conform with murders and assassination: it was carefully improven, and maliciously magnified, and laid upon presbyterians most groundlessly. All sober persons abominate the fact; and as, I must own, it is uncertain who were the actors, so after my utmost enquiry into it, to me it seems to land upon a tool and a spy sent in among some who haunted field-meetings. This matter stood thus: three foot soldiers of Captain Maitland's company had been sent to quarter upon a countryman near Loudonhill, because he had not paid the cess: they continued there near ten days; the man in the house being sick, they were not altogether so outrageous as many of their gang at this time used to be. The wife, or woman servant had during that time threatened them, that if they left not the house they might come to repent it; but they were not much careful about that, and answered, they came by orders, and behoved either to have their errand, or orders to go away. One of the three went down to Newmilns upon Saturday, and staid all night, whether he was any way conscious to the design, or only affrighted by the warning, was not known. But upon Sabbath morning, April 20th, five horsemen, and about as many foot, came about two of the clock in the morning, and rudely knocked at the barn-door where the remaining two soldiers were lying. They taking it to be their comrade come from Newmilns, one of them rose in his shirt, and opened the door: he was saluted with reproachful words, "Come out you damned rogues," and was shot through the body, and fell down dead without speaking one word. The other got up upon this, to put to the door, and received a shot in the thigh from the same hand. The assassin alighted from his horse, and came in upon the soldier, who grappled a little with him,

---

themselves by their oaths; and it being intimate to them, that by the law, and particularly the 6th act, Parl. 3. James VI. in case of their tenants guilty, they are obliged to exhibit them to justice, or to be liable for their fine, or to put them off their ground, and in case they returned, to apprehend and present them; they all of them acknowledged the same, and undertook so to do. In regard that the lord Carmichael who appeared, who is a person of great interest in the shire, he was required and ordered *apud acta*, to attend your lordships upon Wednesday next, to receive your commands, and to be heard upon any proposal he could offer for settling the peace of the country; upon that same consideration, we did write a letter to the duke of Hamilton requiring him to attend your lordships the said day.

Having received frequent informations from divers places, of murdering some, wounding and robbing of others of his majesty's forces that were sent to bring in his majesty's cess and excise, and particularly in the parishes of Monkland and Strathaven in Lanarkshire, where the soldiers were robbed and beaten, their arms taken from them, and kept prisoners, as appears by their depositions herewith produced, and in the parish of Newmilns in the shire of Ayr, two of the soldiers killed, and others wounded, as appears by letters from the commanding officers there, and of a tumult and insurrection made within the town of Renfrew, upon the sheriff-depute's taking of one Walter Scot, a late magistrate, a noted ringleader of conventicles, and of such like disorders, and of the beating and wounding of the laird of Beltrees sheriff-depute, to the hazard of his life, and deforcing them, and rescuing the prisoner, as appears by the depositions of the other sheriff-depute, and two other persons. For further discovery of that murder of the soldiers at Newmilns, we thought fit to require the earl of Loudon, who has the most considerable interest in that place, and on whose ground it was done, by a letter, to attend your lordships upon Wednesday next, to give a full representation and discovery of that matter upon his allegiance.

By full and frequent informations we find, that in the shire of Lanark, and other shires adjacent, those rebels who keep field-conventicles, have formed a design of keeping strong and armed conventicles in many distant places, of design to necessitate your lordships to keep his majesty's forces together in considerable numbers, that so they may, in all other places debauch the people at their pleasure in the rest of the kingdom; and are resolved to hinder the inbringing of his majesty's cess, in the accustomed manner by parties, thinking that your lordships cannot conveniently quarter great parties upon deficients, and if small ones be employed, to murder them, as they have actually done, intending thereby to obstruct the payment of his majesty's forces, whereby we conceiving that these rebellious courses are now come to that height, we thought it our duty to advertise my lord chancellor and remanent lords of the council, to meet upon Wednesday next, being the last of April, to deliberate and consult what is fit to be done in this juncture, for obstructing the growth and increase of these disorders, now come to so great a height, and for securing the public peace in time coming. We have thought it also our duty, in the mean time, by a letter to the duke of Lauderdale his grace, to give him a particular account of the dangerous state of affairs here, as we have now represented the same to your lordships, and have sent him copies of the depositions and other papers, for evincing the truth and verity of these informations.

till another came up and knocked him down. He was perfectly dammished (stunned) with the stroke; and when he recovered his senses, he thought it convenient to lie still in the place as dead. The murderers came into the barn, and took away the soldier's arms and clothes, and in a little went off. This soldier lived till the Friday or Saturday after, and then died of his wounds. The people of the house said, they knew nothing of the matter: all the account that could be had was from this second soldier before his death, and he declared what is above, and added, that, to the best of his knowledge, the person who shot was one John Scarlet; the rest he did not know, there being but little light, and he in a confusion. This Scarlet was a notorious rogue, a tinker by trade, and had six or seven women whom he termed his wives, who went about the country with him. Two or three years before this, he had been taken, and gifted to be a new levy to some French captain, and procured a mutiny in the ship, and got off. After this he was in the army, and several accounts bear, that he was in that party before spoke of, commanded by captain Carstairs, when Garret was wounded. Last harvest he was in Home's troop, and was cashiered for some misdemeanor, or, as some at that time thought, dismissed upon some design: for a month before this, he had been in the shire of Ayr, and was lately in Kilmaurs, in a change-house, a night or two, with three of his wives. And, that I may give all I know of this villain, it seems he was after this taken, or offered himself as an evidence; for by the justiciary records I find, May 12th, this year, 'John Scarlet, tinker, being examined by the lords of justiciary, declares, that, in summer 1674, the declarant did take on to serve with Mr John Welsh, and was to have twelve pounds in the half-year, and clothes; that he had a horse from him, with a sword and pistols, upon which he rode; and that he was but with him a fortnight, and there were in company one Bell, and Sutherland, and some others, who still had swords and pistols. Declares he cannot write.' Signed, G. Mackenzie, Tho. Wallace, James Fowlis, David Balfour, Roger Hog. There is no more about him in the registers: only I find, in one of the prints anent the bishop of St Andrew's death, that in June he was arraigned for his treasonable crime of assisting and guarding a declared traitor: but as the justiciary made nothing of his being fourteen days or thereby riding with Mr Welsh, who probably, seeing his looseness, dismissed him; so this is a very slender ground to make him of Mr Welsh's guard, and far less will it be a proof that afterwards he might not serve under Carstairs, or at this time that he might not be made use of for a tool. I have ground to think, that the managers were not ignorant of what the soldier had declared about him, since the gentlemen of the shire of Ayr, as we shall hear, sent in my lord Cochran and others to Edinburgh upon this incident; and the letter from which the above account is given, was writ by a very worthy person in my lord's family, and, no doubt, but the matter in it was communicate to the council: so that I cannot help jealousing, that this villain Scarlet, on whom no punishment was inflicted at Edinburgh, that I can hear of, hath been of design dismissed from the army, to mix himself with some others of another character, and put them to extremities. Indeed I find it alleged, that, at this time, this rascal came and joined himself with some others in arms, who were a kind of guard to Mr R. Cameron, who preached in the fields: whether it was so, or not, I cannot affirm; but this report was certainly the ground upon which these who haunted field-meetings, and particularly Robert Hamilton, and some others who rode in arms, were loaded with this barbarous murder. Be who they will who committed it, from this fair and just account I have given from letters writ at this time it appears to have been a villanous act, and that Scarlet was the actor, and that suffering presbyterians cannot be charged with it. Indeed all good men must loathe such a wickedness. 1679.

This falling out in the shire of Ayr, where a handle had been taken from things less clamant than this, last year, to harass and depopulate that country; and the noblemen and gentlemen there detesting such villanies, they met at Ayr upon the 25th

1679. of April, agreed upon, and by three of their number sent in the following letter to the council, which I am well informed, was designed both to exoner themselves, and to be a preamble to an intended address to the king, for some relief to their burdens, and further liberty to presbyterians.

'My Lords,

'The noblemen, gentlemen, and heritors of the shire of Ayr, underscribing, being met here this day, by the knowledge and allowance of several of the lords of his majesty's privy council, having heard of an horrid murder committed upon the person of one of his majesty's soldiers, and the wounding of another, upon the borders of this shire, as also of some armed field meetings of some numbers of the commonalty, sometimes in one place, and sometimes in another, upon the confines of this and other neighbouring shires, occasioned by a few unsound, turbulent, and hot-headed preachers, most part whereof were never ministers of the church of Scotland, making it their work to draw people to separation and schism from pure ordinances, and instil in them the seeds of rebellion, by their informations, exhortations, and doctrine, as we are informed: we, in the sense of our duty to authority and religion, and the peace and quiet of this kingdom, have thought it fit and incumbent upon us, in all humility, to signify to your lordships our detestation of, and dissatisfaction with these horrid and dangerous courses; and we shall endeavour not to be wanting, in our capacities and stations, in any thing that becomes good christians and loyal subjects. And that we may not be further troublesome, the earl of Loudon, lord Cochran, and Sir John Cochran, will give a fuller account of the matter of fact, which we humbly entreat may be communicated to the lords of his majesty's privy council, from,

'My lords, your, &c.'

It is very certain, that, about this time, matters were running to sad heights among the armed followers of some of the field meetings. Whether the information here as to their doctrine was true, I do not know; but, as far as I can learn, there was yet no disowning the king's authority, though it was some of these the gentlemen point at, who afterwards did come this length: and, until this spring, nothing of unsafe doctrine could be at all charged upon field preachers, and it was but some few run this way either. Indeed separation and schism from the indulged, was now violently inculcate: and at one of the meetings this month, the letters before me bear, that Robert Hamilton spake publicly to the people, and discharged any hearers of the indulged, any banders, or payers of cess, to join with them, or bring any arms with them. One of them cried out, "We are all almost cess men;" and, after some confusion among them, Mr Richard Cameron, who preached that day, settled the matter, by telling Mr Hamilton, that it would be impossible to purge the meeting that day: yea, some of them did openly threaten, they would insult the indulged ministers, if they met with them; upon which some of these found it needful to retire from their houses. These things did miserably distract and distemper some of the common people in the places where they haunted most, and this same spirit, as we shall hear, perfectly broke the people who met together before Bothwell; and indeed the imposition and violent exaction of the cess, and carriage of the soldiers through the winter and spring, mightily rankled people's spirits. However, there was no formed rising till June.

Having thus candidly given an account of the state of things during the beginning of this year, I shall now end this section with some few hints from the council registers. 'April 3rd, the council being informed, that Andrew Kirkaldy at the south ferry of Dundee, his wife, and several other persons about that place, are guilty of deforcing a party that were appointed to transport the person of Mr Walter Denoon from sheriff to sheriff, till he came to the tolbooth of Edinburgh, the sheriff-deputes of Fife are ordered to call them before them.' Mr Denoon was a worthy presbyterian minister in the north, and I have no further about him.

Next day a letter is read in council from his majesty, "thanking them for their care

of the peace of the Highlands, and approving all they had done, particularly the prudent management of the earl of Argyle, and allowing them to make use of the army for further suppressing of disorders there." And upon the twelfth the council grant a commission to the earl of Argyle for the further securing the Highlands. "Whereas upon the discovery of a horrid plot in England, all papists were ordered to be disarmed: but the lord Macdonald, and several gentlemen of the name of Maclean, have disobeyed several missives of the council to disarm themselves, and compear at Edinburgh, therefore the council grant commission to Archibald earl of Argyle, to disarm and reduce the said lord Macdonald, Keppoch, Maclean of Torlaish, Maclean of Ardgower, and Maclean of Brolus, or any others suspect of popery."

Upon the 4th of April, the council approve the report of the committee for public affairs, "That Andrew Kinnier, an intercommuned person, now a prisoner, be processed; that the horse taken with him be kept by the soldier who took him; that he be fined in 500 pounds, and the horse price allowed in the fine: that whereas Mr Thomas Ramsay, minister at Mordington, connived at in preaching there, hath permitted several vagrant preachers to preach in his pulpit, and that several other indulged ministers have done the same, that the said Mr Ramsay, and others guilty, be processed for the same, and turned out; that William Douglas of Mortoun be joined as depute in the shires of Dumfries and Annandale."

The council, April 12th, nominate a committee to meet in time of vacance, and upon emergent occasions to give orders to magistrates, and the officers of the army, and secure suspected persons. They are, "The archbishops of St Andrews and Glasgow, the earls of Murray, Linlithgow, and Strathmore, the bishop of Galloway, lord Elphinston, treasurer-depute, register, advocate, lords Collinton and Maitland, the lairds of Lundin and Tarbet, or any three of them: with power to issue such orders as they think fit, for executing the laws as to the public peace, and particularly those against conventicles, and other disorders, with power to call before the council themselves, noted delinquents, secure their persons, examine witnesses and parties upon oath, pronounce sentences and decreets against guilty persons, and give what orders they shall find needful to sheriffs, magistrates and officers of the forces, and generally to do every thing for the public peace; with power to nominate a committee of themselves by turns to perform what is committed to them, with full power to call the council, and to issue out orders for discovering any powder or lead lately brought into the kingdom." Remarks have been made before upon such committees as this; and their quorum of three being impowered to subcommit such powers as they are vested with, is perfectly unaccountable. 1679.

After the report of the abovenamed committee at Lanark, May 1st, the council being alarmed with the accounts brought them of the armed field-meeters, pass the following act. "The lords of his majesty's privy council considering, that it is notour, that there is a party who continue in arms, and follow Welsh, Cameron, and some other of their accomplices, at their several field conventicles, do therefore give warrant to the earl of Linlithgow, major-general, and commander-in-chief of his majesty's forces, to order a commanded party of his majesty's forces, horse, foot, and dragoons, to prosecute and follow that party, into whatsomever place Welsh, Cameron, Kid, or Douglas keep their field-conventicles, or any other whom that standing party follows; with power to the commander of that party to give money for intelligence where those conventicles are appointed, that thereby they may be able to seize and apprehend such as shall be found at the said conventicles; and in case of resistance, to pursue them to the death; declaring the said officers and soldiers shall not be called in question therefore civilly or criminally. And recommend it to the earl of Linlithgow to muster his majesty's forces, and see they be full and ready for action." The executions of these orders, as we shall hear, gave the beginning to the rising in June. I shall only further observe, April 3rd, William Carmichael, sheriff-depute of Fife, is

1679. appointed by the council to proceed against persons guilty of conventicles and such disorders, in the parishes of Kinross, Orwal, and Cleish. It was this violent man's oppressing the country thereabout, which provoked several persons to essay to put a stop to his extravagancies; and missing him, they fell upon the archbishop of St Andrews. This remarkable incident is the subject of

SECT. III.

Of the violent death of the archbishop of St Andrews, Saturday, May 3d, 1679.

THE violent taking away of the life of that bitter persecutor, Mr James Sharp, at this time archbishop of St Andrews, is a subject not a little misrepresented by tory writers, and what was the occasion of much reproach to, and persecution of presbyterians; I cannot therefore pass it altogether, but shall endeavour an impartial and just account of matters of fact relative to it, not with any design to vindicate the action, actors, or circumstances of it, which I freely own I do not approve, and, as much as any, do heartily abhor all assassinations, with the principles which lead thereunto; but only to let my readers into a just view how this matter really stood, which, as far as I have seen, hath not been yet done, and this is my work as an historian.

This bloody and perfidious man was cut off, and came to this fatal exit by no premeditated and formed design; but circumstances offering an occasion, it was very suddenly given into: and however this prelate, in the opinion of many, deserved such a fate as Laud the archbishop of Canterbury met with at London, if justice had got its free course; yet as the actors had no power of the sword, nor were in any public judicative capacity, so whatever be talked and writ of former lists of persons who were to be killed, and inquiries the night before about him, yet I am well assured the people concerned had not the least view of this, or any design this way, till the accounts of his being near them were brought to them. And though it does not vindicate the fact at all, yet it deserves notice, that after the most diligent and exact search, and the most fervent endeavours to come at the actors, yet none who had any active share in this matter were ever apprehended. The four men executed on this score at Magusmuir, as we shall hear, were no wise concerned in this murder, and the laird of Rathillet was indeed taken and executed; but though he was present, he peremptorily declined acting in the affair. Andrew Guillan was likewise present, but was not at all active.

It is without the least shadow of reason, that the fact is charged upon the body of presbyterians, who neither knew any thing of the matter till it was over, nor reckoned themselves bound to approve of it when done. It is very true some of them under their heavy sufferings, refused to declare it a murder, and gave reasons for their so doing, which want not their own weight; and though they had less than they really had, in such circumstances and under such pressures, yet this will never, to any judicious person, fix the charge upon the generality of suffering people and presbyterians, which their spiteful accusers draw from it. The matter is evident, multitudes of cases fall in, wherein persons may be very clear as to what they would do in their own practice, and yet not knowing all circumstances, they neither will nor can peremptorily judge of the practice of others: and in the general it is plain, there are cases wherein a person may have such evidences of the lawfulness of, and reasons for doing a thing, which may be sufficient to himself, and, if known to others, for his justification; and yet both in their nature and circumstances these may be unknown, yea, incommunicable to another. I do not say this was the case here; but I say the reflection upon this appeared a strong reason to many, not peremptorily to declare themselves upon this head. And in such circumstances, a person who is really tender as to what he does and says in public, may be at a stand, and refuse positively to condemn even a thing he does not approve, yea, he must judge it the safest course to leave the determination to that day when the secrets of all hearts shall be revealed,

and to judge nothing before the time. But after all, by far the greater, and the most knowing part of presbyterians, yea, of sufferers, did disapprove of the action, and yet humbly adored the righteousness of the Lord's way with this ill man.

I have formerly waved a character of him, and by this time the reader will be in case, from the matters of fact narrated, to form one for himself. I shall only here remark, that in the manner of his death, the bishop's dream, while at the university, which was known and generally spoken of many years before this incident, was very plainly accomplished, as the former steps of his life had fulfilled some other branches of it.* By his death itself, new and cruel projects were disappointed, which had been formed against presbyterians. We shall afterwards find that the last thing he did in council was the voting and pushing a very violent proclamation upon the first of May; and upon Tuesday the 6th of May, he was to have taken journey to court, to have made his representations there, and used his interest for more vigorous and cruel methods against the sufferers. When Saul was breathing out cruelty, he was converted; but this apostate went to his place. Having premised these things, I come now to give a short narration of the matter of fact, as it appears to me from several papers before me, writ at this time, from a narration of it a person of very good sense and credit had from the mouths of some who were present, and a pretty large account under the hand of one of the actors; and I hope it will be the fullest, as well as the fairest that hath been yet given.

Last year, and the beginning of this, the shire of Fife had been mightily harassed and persecuted. The primate was much fretted to have field-meetings just under his nose, and presbyterian ministers and people lurking so near him, and sometimes appearing just under his eye. Besides the sheriffs their deputes, and others appointed by law, to look after conventicles up and down the country, the prelates in many places got others joined to them, with equal powers from the council, or some counsellors, especially if the executors of the law were less cruel, and any way moderate in their temper, and where the presbyterian way was recovering ground. No doubt the archbishop would not fail to cast a pattern to others in the shire of Fife. Accordingly by a commission from council, as we have seen, William Carmichael, a bankrupt merchant, and once a bailie in Edinburgh, is impowered in that shire, to seek for and persecute all nonconformists and intercommuned persons; this he owed entirely to the primate, who, as a privy counsellor, added instructions and powers to summon, fine, imprison, poind, spulie, and unlaw all who absented from the church, and were at house or field conventicles. This man is said to have spent any thing he had of his own in riotous living, and greedily enough embraced this post for a livelihood, and continued, while in it, most profane and profligate: this qualified him the better to be a tool for carrying on the archbishop's designs; and not satisfied with going the length of his fellows in that work and the council's commission, he went much further, as the best way to make up his broken fortune, and recommend himself to his patron. 1679.

It would be endless to narrate all his cruelties and oppressions. Besides his apprehending, fining and imprisoning multitudes, and poinding, harassing and plundering them, it was his custom to seize servants, and put fiery matches betwixt their fingers, and torture them many various ways, till they should discover where their masters were, or any thing belonging to them; frequently also he used to beat and abuse women and children to make them inform against their husbands and parents. Innumerable more cruelties and violences are

* This dream was shortly this:—that while a student at the college, lying in bed with his comrade, he fell into a loud laughter in his sleep, and being awakened by his bed-fellow, who asked him, what he laughed so much for? returned answer, that he had dreamt that the earl of Crawfurd had made him parson of Crail. Again in another night, he laughed in his sleep still more loudly, when being awakened in like manner, he said he had dreamt he was in paradise, as the king had made him archbishop of St Andrews. Lastly, he dreamed a third time, and was in great agony, crying bitterly, when being awakened as formerly, he said he was dreaming a very sad dream, that he was driving in a coach to hell, and that very fast.—*See Kirkton*, p. 82.—*Ed.*

1679. charged upon him, besides rapes, adulteries, and other abominable wickednesses in informations before me. And matters now stood so, that no legal method of redress from such hardships could be expected: all doors were shut; and this heavy oppression put people upon measures they would have been perfectly averse to, under a limited and well regulate government; therefore several of the wanderers of this shire, who were hiding the best way they could, and keeping together in dozens and half dozens in arms, where they might, having their spirits fretted with their own hazard and harassings, together with the heavy circumstances of their families and friends from this merciless persecutor, resolved, if possible, to rid themselves of him, at least to fright and threaten him, so as they hoped he should leave Fife, and they be freed of him, and for this purpose fixed upon the third day of May, when, as they were informed, he was to be at the hunting.

Meanwhile bishop Sharp had been some days in Edinburgh, putting things in order for his going up to court: he had, upon the first of May, got the proclamation anent arms (published May 14th) passed in council with some struggle; and May 2d, in the afternoon, he went over the Firth, and came to captain Seton's house in Kennoway, where he lodged all night. If any body came that night to Kennoway inquiring about him, as the printed accounts by the prelatic party say, I am assured it was none of the people who fell in with him tomorrow. May 3rd he went homeward to St Andrews, and took Ceres in his way, stopped there, and smoked a pipe with the episcopal incumbent.

The persons before spoken of, nine in number,* some of whom were gentlemen of good families, being fond of a meeting with Carmichael, came abroad pretty early upon the Saturday morning, and traversed the fields up and down, searched the hills above Cupar, and some other places, for some hours, but did not find him. The reason of their not finding him, as the above accounts bear, was, that when Carmichael came out to his hunting about Scotstarbet, a shepherd thereabout advised the bailie to go home, for some gentlemen had been inquiring about him, at him, and were very desirous to meet with him: and Carmichael, not without some fear, returning from his sport, went homeward. They continued searching till near the middle of the day, and by this time they were come about a mile to the eastward of Ceres; and being wearied, and beginning to despair of meeting with Carmichael, they were just talking together of parting and quitting their project, when a boy, a servant of (Robert) Black, a farmer thereabouts, came up with them, and informed them, that the archbishop's coach was in Ceres, and within a little to come up towards Blebo-hole, not far from them. This, as some of them in their accounts say, did very much surprise them, and raised many thoughts of heart; the incident was so odd, that just when parting, and giving over their search for the servant, the master should fall into their hands; that when they had missed the enemy they were looking for, their archenemy and fountain of all their woe should fall in their way. One of them said, "It seems he is delivered into our hands," and proposed they should cut him off, having such an occasion. Mr Hackston of Rathillet opposed the motion, as being a matter of blood, and, as he thought, of the last consequence to this nation and church, and what required more deliberation by far. But what he very strongly urged was not of weight enough to stop them from the attempt. I find some accounts add, that, after reasoning upon this head, one of them prayed for conduct and direction; and after that Rathillet told them, though for what he saw, they seeemed to be clear to go on, yet he was not at all satisfied in his own mind anent it. However the rest went forward in their design, and he would not part with them.

* Russel mentions twelve: viz. David Hackston of Rathillet, John Balfour of Kinloch, James Russel in Kettle, George Fleman in Balbathil, Andrew Henderson, Alexander Henderson in Kilbrachmont, William Daniel in Caddam, James, Alexander, and George Balfour in Gilston, Thomas Ness in P——, and Andrew Guillon. p. 412 of Kirkton. Of these, however, *three* seem to have left them before the assassination, p. 414. Deposition of witnesses, p. 413 of Kirkton.

In their going towards the coach, one of the company proposed that some one should take the leading and command of the rest, and that they should exactly obey his orders whatever fell out, and Rathillet, notwithstanding his opposition, was generally named, but he told them there had been a difference betwixt the archbishop and him in a civil process, wherein he reckoned he was wronged by the primate; and though in any other case he would not refuse to do them all the service he could, yet by no means could he at all act in this matter; and he was of opinion, that it was very improper, though he could join with them, that he should command them, since it would give the world ground to say, that what they did, was from personal pique and revenge, which he protested he was free of. They all declared their having no personal grudge at the man, but at his way and practice, and so chose another of their number to be their leader.

By this time they were come to a little village about two miles from St Andrews, called Magus, near to which they descried the bishop's coach; whereupon one of them upon a fleet horse, rode up to the coach, to see if the bishop was in it. The bishop noticing him, cried out to the coachman to drive. The gentleman hearing this, cast his cloak from him, and pursued at full speed; the rest did the like, and came up as fast as they could; only the person who had the debate with the bishop kept at some distance, and did not at all engage in the action. While pursuing a little this way in Magus-muir, one of the bishop's servants, named Wallace, turned upon them, and cocked his piece; but two of them coming up, soon dismounted him, and took his carbine from him. Meanwhile, as the coach drove furiously away, they shot their musquets at it, but could not stop it, till the person upon the fleet horse came up to the coach, crying out, 'Judas, be taken.' The primate called the more violently to the coachman, 'Drive, drive, drive.' The coachman kept off the gentleman's horse from him with his whip; but he came up with the postillion, and called him to stop; and he driving on, he struck him over the head with a sword, and dismounted him, and straightway cut the traces of the coach, and stopped it. 1679.

By this time the rest were come up, and found the bishop and his daughter in the coach. The captain ordered him to come out, that no prejudice might befall his daughter, whom they would not willingly hurt. This he refused, whereupon two of them, the rest being taken up in dismounting and securing the servants, poured in their shot on the bishop's body, his daughter shrieking and weeping most bitterly, and were mounting their horses to go off, assuring themselves he was killed. But one of them heard his daughter say within a little, 'O! there is life in yet;' upon which he got again to the coach, and called the captain, and the others, who found the bishop safe and whole, not in the least touched. Whereupon the captain commanded him to come out, and some discourse passed betwixt them, which I shall set down, as left under the hands of some who were present. While the bishop lingered and cried for mercy, the commander said, 'I take God to witness, whose cause I desire to own in adhering to the persecuted gospel, that it is not out of any hatred of your person, nor from any prejudice you have done or could do to me, that I intend now to take your life, but because you have been, and still continues to be an avowed opposer of the gospel and kingdom of Christ, and a murderer of his saints, whose blood you have shed like water.' Another of them said, 'Repent, Judas, and come out.' All the bishop answered was, 'Gentlemen, save my life, and I will save yours.' The first replied, 'I know it is not in your power either to save us, or to kill us; I again declare, it is not any particular feud or quarrel I have at you, which moves me to this attempt, but because you are an enemy to Christ and his interest, and have wrung your hands in the blood of his saints, not only after Pentland, but several times since, and particularly for your perjury, and shedding the blood of Mr James Mitchel, and having a hand in the death of James Learmont, and your perfidious betraying of the church of Scotland: these crimes,' added he, 'and that blood cry with a loud voice to heaven for

1679. vengeance, and we are this day to execute it.' And again he ordered him to come out, and prepare for death, judgment, and eternity. The bishop still refused, and cried for mercy, and offered him money to spare his life. The captain said, 'Thy money perish with thee,' and told him, he allowed him time to pray, and commanded him again to come out. The bishop still refused. One of the company, at some distance, cried, 'Seeing there have been so many lives unjustly taken by him, for which there is not the least sign of repentance, we will not be innocent, if any more be taken that way.' Then one of them fired a pistol at him in the coach, which it seems did not touch him, and another wounded him with a sword; at which the bishop cried out, 'Fy, fy, I am gone.' Yet the wound was not mortal. And being again called to come out of the coach, he said, 'I am gone already, what needs more?' Then they stepped near him, to pull him out; upon which he cried, 'I know ye will save my life, I will come out; and accordingly came out. And being again pressed to pray, he fell upon his knees before the captain, and said, 'For God's sake, save my life, save my life;' offering him money, and promising to lay down his episcopal function. The commander told him, he had been without mercy, and needed expect no mercy, and he could not spare his life, and again pressed him to prepare for death, and pray. One of these present, Andrew Guillan, told my informer, that they were stunned to see his carriage, and that by no means would he be prevailed with to pray; and another observes, that they were mightily surprised at his obdurateness, and that there was not the least sign of concern about him as yet. This Andrew was present, and did not touch him, but endeavoured to secure his daughter from hurt and danger, when she would interpose betwixt the actors and him. Instead of offering to pray, he, seeing Rathillet at some little distance, crept towards him on his hands and feet, and cried, 'Sir, I know you are a gentleman, you will protect me.' Mr Hackston answered, 'Sir, I shall never lay a hand on you;' and rode a little off, for all this time he did not alight.

The bishop finding this art to fail him, turned to them, and begged they might save the life of an old man, and promised he would obtain them a remission, it being capital to attempt the life of a privy counseller. The captain warned him, that they would not spare him longer; if he did not address God presently, they knew what to do. The bishop's courage still continued, and he proposed some new desire; upon which they discharged another shower of shot upon him, whereupon he fell back, and lay as dead. But one of them giving him a prick with his sword, he raised himself; then they began to imagine shooting would not do, and the commander ordered them all to draw their swords. Andrew Guillan's expression to my informer is, that upon the sight of cold iron, immediately his courage failed; and though before he still insisted in his petitions, and seemed not to regard their warnings much, yet now he made hideous and terrible shrieks as ever were heard. The commander seeing no warnings would prevail with him to go about any thing like preparation for death, with a *shabble** struck him on the face, and one of his chops fell down: he essayed to speak somewhat, but was not understood. They redoubled their strokes and wounded him in several places, and killed him outright.

After the bishop was killed, the captain received any arms which the servants had, who were five, two riders, a footman, the coachman, and postillion. He ordered them to deliver all their papers; they said, they had none: then he went to the coach, and got a little trunk, and finding nothing in it but hoods and clothes belonging to the bishop's daughter, it was set in again. He found another little box with papers, which he seized. In a trunk upon the coach he found a few more papers, and a large bible full of fine cuts, and the pictures of Christ and the New Testament saints, and some passages of the history of the Bible in Taliduce, and a case of very fine French pistols, all which they took. The rest of the trunk contained clothes and furniture,

* "A crooked sword or hanger."—Jameson's Dictionary.

which they did not touch, taking nothing but papers and arms. In the bishop's pockets they found neither silver nor gold, but only some letters and papers, and a whinger with silver roves, and knives conform. Several of the forementioned accounts bear, that they found on the bishop a box with some pistol-ball, threads of worsted, and other odd things in it, which they knew not what to make of. This is all I have met with as to the material circumstances of this fact, and I have given it as I found it in papers which are writ by persons present, who only indeed could give accounts of this matter; and they agree, as far as I can learn, with the accounts which went up and down after the murder was committed. All this took up about three quarters of an hour about mid-day, betwixt twelve and one of the clock, Saturday, May 3rd, this year. As they went off, they met a man very well mounted, and asking him what he was, he answered, one of my lord St Andrew's servants, whom, it seems, the bishop had sent off to pay his respects to some persons about: they dismounted him, took his arms from him, and drove away his horse to shift for himself, as they had formerly done to the other two riding servants, and thus rode away in a body to a place three or four miles distant from Magus-muir, where this action was done.

The actors in this bloody tragedy could not but wonder at their own preservation, and that, when this fact was a doing in the open fields, at the height of the day, in this season of the year, and so many pieces discharged, they were neither interrupted or discovered; and this was the more strange to them, that there were soldiers lying upon every hand of them, in Largo, Balchristie, Ladernie and Cupar, all within a very few miles of the place, beside parties of troopers continually ranging up and down the shire; and yet they got off without observation, and continued together till night, looking over the papers they had got. Among the papers they found, these are the most considerable. A gift of nonentries of several gentlemen's estates in Fife, and elsewhere, to Alexander Leslie of Kinninvie, with instructions and informations how to prosecute, in order to the eviction of the lands, the patent of the bishopric of Dunkeld, in favours of Mr Andrew Bruce archdeacon of St Andrews; several presentations to churches whereof the king is patron; instructions to conjunct deputies, and new gifts of the heritor's fines; a paper about popery, whereof a full account could not be given when the information whence I take this was writ; several missives and other papers of no consequence. After they had looked through the papers, they continued together in the foresaid house till the evening, and then separated, and every one shifted for himself the best way he might. This is the best account I can give of this matter; and in the matters of fact, there is a concurrence of two or three accounts I have seen, none of which that I know of have been printed, and therefore I have given them at the more length. They are indeed all upon one side; and therefore, in a matter of this nature, which only can be fully known by balanced accounts of both sides, I think it but fair the reader should see what is said upon the other side. As far as I have noticed what is printed, there is no very great difference as to matters of fact; there is indeed considerable difference as to the carriage and character of the bishop. The written accounts I have made use of, represent him as most averse to prepare for death, and the printed accounts represent him as a saint. It is my business to give matter of fact as I find it; and therefore, that the reader may have the other side of the story, I have insert * an account 1679.

* *Narrative of the murder of the archbishop, published by authority.*

On the third of May, a day remarkable in the church kalendar for the invention of the holy cross, this excellent primate found his, and I hope obtained his crown, (in which month also, Henry IV. of France, and cardinal Beaton, one of his predecessors, were assassinated) about nine of the clock in the morning he took his coach in Kennoway, a village ten miles distant from St Andrews, where he lay the night before, accompanied only with four of his servants, and his eldest daughter in the coach with him. About half an hour before he was attacked, his great soul, it seems, presaging what came to pass, he fell on a most pious and serious discourse to his daughter, giving her such pious instructions and directions, as he would have done, if upon his death-bed, whereunto she gave such becoming

1679. *of this matter, published by authority* and order of the privy council. The former accounts are taken from the actors' and relations' papers, and this from the bishop's daughter and servants, and I *shall make no reflections on it; only the* matters of fact formerly related in this history, and the known tenor of the primate's actings give no foundation for such a character as the bishop gets in this paper.

---

and satisfactory answers, that he embraced, and formally blessed her: afterward coming near to a farmer's house, called Magus, he says, 'There lives an ill-natured man, God preserve us, my child.' Within a very little time after, the coachman perceiving some horsemen on the spur after them, calls to the postillion to drive on, for those men had no good in their minds. My lord finding the coach run so hard, looked out to see what the matter was, and then perceiving armed men pursuing, he turning to his daughter, said, 'Lord have mercy upon me, my poor child, for I am gone:' upon which, presently three or four of the ruffians fired at the coach, but touched neither of them in the coach; the coachman put faster on, and outrun the most part of the rogues (my lord's own servants, of which the best armed was wounded in the head by a sword, being mounted on weak hackney horses, had fallen behind before this, and were disarmed at the first coming up) while at last, one of the best mounted overhighed the postillion, and by wounding him on the face, shooting the coach-horse which he led, in the back, and cutting him in the hams, turned the coach out of the way, and gave the rest the advantage to come up. Then they fired again; one of them had his pistol so near my lord, that the burning calfing was left on his gown, and was rubbed off by his daughter, which wounded him two or three inches below the right clavicle, in betwixt the second and third rib, and then another of them on the other side of the coach run him upon the region of the kidneys with a small sword; thereafter they called, 'Come out, cruel and bloody traitor,' but not any offered to lay hands upon, or drag him out of his coach, as is falsely reported in the relation, the assassinates being all yet on horseback; whereupon most composedly he opened the door of the coach himself, and stepped out, and then said, 'Gentlemen, you will spare my life, and whatever else you please to do, you shall never be *questioned* for it.' They told him there was no mercy for a Judas, an enemy and traitor to the cause of Christ. 'Well then,' said he, 'I shall expect none from you, but promise to me to spare my poor child,' directing his speech to one, whom it is suspected, by his looking him broad in the face, he knew, and reaching forth his hand to him, the bloody villain starts back from my lord, and, by a mighty blow, cut him more than half through the wrist: then said my lord, 'I hope ye will give me some time to pour out my soul to God, and I shall also pray for you;' and presently falling on his knees, he said, 'Lord, forgive them, for I do: Lord, receive my spirit.' While thus praying on his knees (one of the traitors standing some paces off, called to the rest, 'Spare those gray hairs') and his hands lifted up, they struck furiously at him, and wounding him therein in three places, which nevertheless he kept up bleeding to heaven, while one of them cut him to the very bone, a little above the left eye, whereupon my lord said, 'Now you have done the turn;' then falling forward, he stretched himself out, and laid his head on his arm, as if he had been to compose himself for sleep, when some of the villains from their horses, and others a foot (having alighted) gave him about fifteen or sixteen wounds in the head, and in effect the whole occipital part was but one wound; after which they rifled his pockets, and took some papers out of them; and so mad was their spite and rage, that even after he was dead, and the murderers gone some way from the body, one of the furious and bloody assassins returned, and thrust twice or thrice at him with a sword. They robbed his daughter of some gold, and other things she had in a little box (they had wounded her, thrusting at her father, betwixt whom and them she had interposed herself, by a stab in her thigh, and one of her thumbs) then they took away my lord's night bag, bible, girdle, and some papers of moment: they also robbed his servants, and took their arms from them, and then went away as they came, and encountered one of my lord's gentlemen he had sent off some time before, to salute the earl of Crawford in his name, having passed near to his house: one of them called to kill him, for he was one of Judas's servants; others came and took his papers in his fore-pockets, and arms, and bid him be gone, for his master was gone home before him. The place where this horrid murder was committed, is called Magus-muir, within two miles, and in sight of the town of St Andrews.

Thus fell that excellent prelate (whose character and worthy acts deserve, and, no doubt, will find some excellent pen) by the hands of nine fanatic ruffians: that they were so, is not to be doubted, their names being all now known, and all of them denounced or intercommuned, for frequenting field conventicles, and the known champions of that party in the shire of Fife; besides their holy sanctified discourse at the time of their bloody actings, shows what temper of spirit they were of. I have done with my relation (attested to me before famous witnesses by my lord's daughter, and those of his servants that were so unfortunate to be spectators of this execrable villany) when I have observed how ridiculous the author of the pretended true one is, where he endeavours to discover the occasion of the murder of the archbishop of St Andrews; for what need was there of any thing more to provoke them, than his being an archbishop, and the primate of Scotland, and the most active, as well as the most reverend father of this church? Was it not for this reason, that he was, on the streets of Edinburgh, shot at by Mr James Mitchel, while in his own coach? Was not this the reason that these fanatic books from Holland, both some time ago and of late, marked out his *sacrum caput*, as they termed it, and devoted him to a cruel death, and gave out predictions that he should die so? which they easily might, being so active in stimulating and prompting instruments to fulfil their own prophecies.

"O Lord, how unsearchable are thy judgments, and thy ways past finding out!"

Some other accounts of this matter I have seen, which I shall very shortly pass. One was printed at London, a few days after this fact was done, for D. M. which is the flattest and most insipid account I ever almost saw of any thing, and it deserves no further notice. Another account was published about the same time, intituled, "A true Relation of what has been discovered concerning the Murder of the Archbishop of St Andrews:" wherein this murder is lodged upon Rathillet, and his brother-in-law John Balfour of Kinloch; and these two persons are represented to have been wronged by the primate in some civil affairs, and to have murdered him in pique. This paper was answered by another, intituled, "A clear Discovery of the Falsehoods of the former," wherein indeed the matters of fact advanced in the former seem plainly enough overturned; but when this is done, very little light is brought to this matter, and therefore I say no more of it; only it appears to me undeniable, that Rathillet was not actively concerned in this matter. And as to John Balfour, though it be true what is in this paper asserted, that he had withdrawn from ordinances for many years, and was very active about field conventicles; yet a person's doing so will neither make him a saint, nor make the people he joins himself to, chargeable with every thing he does: and I cannot find that this gentleman had ever any great character for religion among those that knew him; and such were the accounts of him when abroad, that the reverend ministers of the Scots congregation at Rotterdam would never allow him to communicate with them. Indeed upon him I find this action is generally and principally lodged.

A third account of this matter I find in that virulent pamphlet formerly spoken of, intituled, "The Spirit of Popery speaking out of the Mouths of phanatical Protestants," London, 1680. This writer hath little of fact, but what is taken out of the council's narrative: he adds the certificate of a physician and three chirurgeons, who inspected the bishop's body, to prove they found one wound below the right clavicle by a shot; and in the same certificate they declare, they found three wounds in his left hand, 'which might have proved mortal,' though he had had no other. I am so ill a physician, as not to understand how a wound in the hand in itself can be mortal. He adds the names of the murderers in red letters, John Balfour of Kinloch, David Hackston of Rathillet, George Balfour in Gilston, James Russel in Kingskettle, Robert Dingwall a farmer's son in Caddam, Andrew Guillan weaver in Balmerinock, Alexander Henderson and Andrew Henderson, sons to John Henderson in Kilbrachmont, George Fleming son to George Fleming in Balboothy. As far as I can learn, Andrew Guillan was only called by the actors to look to their horses, or some such thing, but was not active, though present at the action. Two Hendersons were afterwards imprisoned 1682 on this account, and let go. How many other mistakes are in this list, I know not: indeed this writer hath too many false facts and blunders for me to follow; neither shall I consider what he pretends to bring to vindicate this fact from presbyterian writers, 'Knox, Naphtali, *Jus populi vindicatum*,' since none of his citations came at all up to this case. What follows in point of history, anent the Highland host, the murder at Loudonhill, and major Johnston, is false, and his misrepresentations are already taken off in the former part of this history. 1679.

The last account of the bishop's death I have met with in print, is in the "Caveat for the Whigs," London, 1711, part I. p. 57. wherein all the spiteful lies any where published seem to be cast together. It would be tedious to go through the mistakes of this ill natured and malicious author in this matter. What he talks of lists of persons to be murdered, handed about, with the archbishop on the head of them, of the relenting of the assassinators, their trampling his daughter, and many other things, are unknown to such who were present. The rencounter was certainly undesigned, till they got notice of the bishop's coming that way; and they were so far from being stirred up by field preachers to it, that they themselves had no thought about it till the hour in which it was done. The christian temper of the primate at his death, which this writer harangues on, is very perempto-

1679. rily denied by such as were present, as we have seen; and I very much jealouse those religious expressions are made for him.

Thus on both hands I have laid this affair before the reader, from what I have seen in manuscript and print relative thereunto; and though many remarks might be made upon the whole, yet I shall confine myself to one or two, which are properly historical. One is, that as none of the real actors were taken, so, when the murder was over, they came out of Fife for their own safety, and joined themselves to those who attended these field-preachers who set up against the cess and indulgence, of whom before; from which the English papers, yea, the narratives of the after acts of council, as we shall hear, load the risers at Bothwell with being art and part in this action. I do not question but several of them were at Bothwell for their own safety; but it is very ill reasoning, and unfair, to lodge this fact upon the whole party, when perhaps not one of a thousand knew them, or what they had done. Another is, that this incident of the bishop's murder became not only matter of reproach to the whole suffering presbyterians, as Rathillet fairly insinuated to the actors, though indeed the calumny was groundless, as hath been noticed, but also the occasion of very heavy oppression and persecution. The prelates and council took hold of it, as a handle for prosecuting the cruel designs the primate was cut off from finishing. This was made use of as a shibboleth for many years, to vex poor innocent and ignorant country people with, when seized: and so far is it from truth which Lesley advanceth, Cassandra, No. 2. p. 'That the worst of the primate's enemies had nothing to lay to his charge but episcopacy,' that he was generally looked upon as a very ill man; and the impressions of his wickedness, with some other things before suggested, made not a few unwilling peremptorily to judge of this action, which a great many others had freedom enough to condemn as murder. Several were executed as accessory to his death, who were entirely free of it, and many others harassed upon that score, against all law and justice, as shall be noticed in the succeeding history. Upon the whole, though the most part of good people in Scotland could not but observe and adore the holy and righteous providence of God, in the removal of this violent persecutor and spring of the most part of the former severities, at such a juncture when just upon new and violent projects, yet they could not approve of the manner of taking him off, nor would they justify the actors. and the known stanza of that excellent man, and, in his time, good poet, Sir David Lindsay of the Mount, upon cardinal Beaton's death, could not but come in people's minds, as not unapplicable; with it I end this section and chapter.

"As for this cardinal, I grant
He was the man we might well want,
God will forgive it soon:
But of a truth, the sooth to say,
Altho' the loon be well away,
The fact was foully done.*

* "The account which Wodrow, who was not partial to Sharp, gives of the murder, must, I should think, shock every mind not sunk in depravity." So says an able and candid historian of the church, (Cook's Hist. vol. III. p. 346) and yet Mr Sharpe is of opinion that "Wodrow relates all the circumstances with the most paternal sympathy and apologetic tenderness." Kirkton, p. 407. It is true, he does not deal in the harsh invective of the high cavalier party on such an occasion, and he would be far from maintaining that the prelate did not in point of fact *deserve* to die. But he does not defend the manner of the deed, and much less the dangerous principles which led to it. He takes just that view of it which every moderate and fair man on a proper knowledge of the dreadful state of the country at the time and the agency of Sharp in the persecutions, will be inclined to take. I acknowledge he is wrong in stating that no party of presbyterians in Scotland at the time approved of the deed. The author of the "Hind let loose," p. 635, vindicates it on the plea of necessity, and speaks of all such "attempts for cutting off such monsters of nature" as "lawful and (as one would think) laudable" in the circumstances of the country at the time. But certainly the great body of presbyterians disapproved of the deed, and therefore it ought not to be brought as a stigma upon their cause. "Oppression maketh wise men mad," and our wonder is not that cases of assassination were occasionally exhibited in the course of that dark and gloomy period, but that they were so few.—Among the various accounts of the archbishop's death we may notice that given in Defoe's Memoirs of the Church of Scotland, by one of the actors; Russel's account as published in Kirkton; and that given by Sir W. Sharp, the bishop's son, in his letter to Sir James Baird,

CHAP. II.

OF THE RISING THIS YEAR IN THE WEST OF SCOTLAND, WHICH ENDED BY THE DEFEAT AT BOTHWELL-BRIDGE, JUNE 22d, 1679.

I AM now come to the rising in arms in the west country, May and June this year, commonly called, from the place of its fatal issue, Bothwell-bridge. Here I reckon myself obliged to give as particular a detail of facts as my materials will allow me. The larger accounts are necessary, because it very much concerns the persecuted party, that this transaction be set in its due light. No tolerable narrative of it, as far as I have 1679.

published in the same work. They all agree in the most material circumstances. We do not know the reason why our historian omits the strange circumstance of the *humble bee*, but we shall supply it from an account of the murder, drawn up by two persons who were present, and which is in Wodrow's hand-writing: "They," the murderers, "took nothing from him but his tobacco-box and a few papers. With these they went to a barn near by. Upon the opening of the tobacco-box, a *living humming-bee flew out*. This either Rathillet or Balfour called his familiar; and some in the company, not understanding the term, they explained it to be a devil."—Sharp's Kirkton, p. 421. With the exception of Danziel, who was killed at Drumelog, and Hackston and Guillan, who were afterwards executed for the murder, none of the other conspirators seem to have undergone a violent death.

We have been favoured by the proprietor, Mr Mackinlay, collector of customs at Anstruther, with an original MS. account of the archbishop's death. It may have been in the possession of Mr Wodrow when he drew up his account; but, as it has never been published, and, as it vindicates our historian from certain charges of omission or misstatement which the Editor of Kirkton has brought against him, we shall insert it entire. It is copied, *verbatim et literatim*, from the original:—

"*A coppie of the maner of the death of Mr James Sharp, late Archprelate of St Anderous, qo depairted his life on Saturday, Maij the* 3 *day*, 1679, *betuext* 12 *and ane a clock in efternoon; w^t the particular words on aither syd, and actiones yt past at that tyme & place yrof faithfullie & trewlie related by ane impartiall pen.*

"Although it be debait by some in this nat^n in what maner god ought to be served, and by qm his ordinances of the word, & sacraments, &c. should be administrat in this land, yt god his ordinances ought to be dispenst, by men, of thos men qo have been violentlie thrust into ye severall churches of this kingdome, by a publick law; for qch cause a great many disenting Noblemen, Gentlemen, Min^rs, and ye generallitie of the commons, have not only suffered sore and sad th^gs, and bonds, imprisonments, fynings, banishments, &c., but also death it self, for adhereing to this yr consentious prin^lls, according to the sworn work of reforma^n qch was once famous in yis land.

"And although y^es persecuted people would gladlie have given a testimonie befor kings and great men, for the caus of christ & prin^lls & practises qch they held & acted; yet, contrar to the practise of the heathen king Aggrippa, they wer not permitted to speak for y^m selfes.

"This feared a great many, qos joy & crown it would have been to have suffered for christ, to appeir befor the great councell of this land qn yr they were cited yrunto; upon qos non compeirance, they wer not only fyned in great soums, but ther persons ordained to be apprehendit by Magistrats or any of the stands forces of this kingdome; and, in case they refuised to be taken, they wer impowred to kill ym; for qch they had indemnitie by act of parlia^t, confirmed & inlarged by acts of the privie Councell.

"Persons thus in hazard on all hands wer forced to wander up and doun the solitarie places of this land, w^t weapons for yr oun defence, studing noth^g mor yn how to have a conscience void of offence towards god and towards man.

"Thus yr innocent cairage doe not a litle trouble & disquceit the malignant prelaticall partie, so yt yr witts & inventions wer continually racked in contryving ways, not only how to shed yr blood like water upon the earth, (qrin the lord permitted ym to come a very great length in,) but lykewise to force y^es poor afflicted people to make ane intestine broyl.

"They have tryed many deep inventions too; (to tedious to relait, & qch doubtles put y^m in great disquciitude, becaus ye success anzred not yr designe,) bot at last they lighted on a notable on, qch they thos^t would not faill in reducing yt people to noth^g; & it was, yt yr should be persons appointed for suppressing conventicls only, who should be impowred in yt effect in the severall shyres of Scotland; and, accordingly, this taking effect by the prelats instiga^n, and privie Councell commands, on Mr Wm. Carmichell, some tymes merchant bailzie in Ed^r having spent all he had w^t harlots and in riotous living, (and still continows to be a drunkard and adulterer,) give in his very humble petition to Bishop Sharp, (qo(s) death we now intend to relait,) to be made Sheriff-dep^t of fyffe; who(s) pe(t)ition was accordingly granted, and instructions & ordors given to him, to summond, fyne, imprison, punde, spoyle, & unlaw for absence, &c.: he not being content w^t the rigirous extent of his commisson, thos^t he should ingratiat himself mor in the Bishop's favors yn any oy^rs had or could doe; and yrfor, he not only fyned, imprisoned, poyndit, plundered, &c., but lykwayes caused fix fired matches betwixt servants fingers, yt they mig^t discover qr ther m^rs wer hyd: he caused beat and wound severall women & children & servants, & do many oyr insolences qch wer to tidious and lamentable to relait.

"The wander(er)s in fyffe, taking to yr consider^a^n the deplorable estate and condi^n yt poor shyre was redacted to, not only by ye want of the pretious ordinances, but lykwayes by the sad condi^n yr wives and numerous children & families, by the cruell actions of that bloodie persecuter, they wer resolved to be avenged on him, seeing all doors of accesses for yr releif wer

1679. observed, hath been given to the public; and I hope, when this matter is fairly narrated, it will not appear so odious as some have represented it; and whatever extremities may have been with some at this rising in some things, the body of presbyterians in Scotland are not chargeable with them. Indeed it was the divisions

---

stopped up, altho he acted many things contrar to the very laws them selfes. In order to this yr designe by providence, & (some) of thes afflicted persons having mett in the east end of fyfe upon Saturday the 3d Maij, 1679, they wer resolved to meet wt Carmichell if provedence should bring him in yr way. It was reported to ym by the people yr yt he was gone to hunting, as they wer searching throw the fields for him, untill they wer come a myle by east ways, & found yr search for him to be in vain, they wer considering qr to take up ther quarters, qn immediatly a boy came to ym in a post hast, and told them yt the Bishops coatch was coming towards Blebo holl wt 6 horses in it, qr upon (after a litle pose,) let us go to him; a 2d said, it seems god hes delivered him into our hands; a 3d said, I think wee have a clear call from god to goe efter him. Efter some serious considera'n among ym selfes, they all resolved to follow the coatch; and, as they wer in persuit, a gentleman in ye companie sd yt it will be fitt yt some of you take the command of us, at qos word let us all be obedient. Efter voting, a gentleman of the companie was chosen, qo answerd and said, god is my wittnes yt I resolve to oun the caus of Christ wt my lyfe & fortun, the lord strengthning me so to doe; but to be commander in this exployt I will by no means condesend to, becaus ther is a known difference betwixt the Bishop and me, so yt qt I doe as commander in this busines will seem to have no reference to gods glorie, but only for my privat reveng, qch would marr the godlie of the action. Anoyr gentleman, seeing him in the companie so resolutlie refuise the command upon so weightie grounds, sd, gentlemen fallow me; qrupon they obey'd. During this consulta'n, they war all come to a litle toun called Magus, at qch toun 2 of ym spurred their horse efter the coatch, & on of them halting, the oyr advanced to the coatch to sie if the Bishop was in it or not. The Bishop, looking out at the coatch, commanded the coatchman to dryve, qch he did wt a winged diligence: the persewer seeing, he threw his clock from him, & cryed to the bishop, Judas be taken, and presentlie he fyred at him. Imediatlie yrefter, the oyr 7, (for ye gentleman who had the quarrel wt the Bishop stood at a distance during the wholl action,) throwing yr cloacks from ym, & fyred severall shoots during the tyme of persewing the coatch. On Wallace, a servant of the Bishops, having a carrbyn on his shulder, took it and offered to fyre; qch on of ym seeing, immediatly came to him & dismunted him, & took ye carrbyn from him. Therefter, anoyr of ym qo wer come up the length of the coatch,—for the rest were bot coming in very great disorder,—comma(n)ding the postilian to stand, qch he refuising to doe, anoyr came up to him and strouck him on the face wt a sword, qch he smott off part of his chine, & also took hold of the reinzie of the horse, and came in running to the coatch door, (at qch tyme the commander came forward lykwise,) & they both desired the Bishop to come furth, qch he refuised to doe: the commander sd, I take god to wittness, qos cause I desire to own, in adhereing to this persecuted Gospell, yt it is not out of hatred to thy person, nor for any prejudice thow hes done or could doe to me, for qch wee intend to take thy lyfe from the this day; but it is becaus thow hes been, and still continows to be, ane avowed opposer of the florishing of christs kingdome, and murtherer of his saints, qos blood thow hes shed lyk water on the ground. The oyr person, who was standing on his foott at the coatch door, sd to the Bishop, repent Judas & come furth. Ye Bishop answerd, save my life, and I will save all yors. Ye oyr replyed, I know it is not in your power nather to save us nor kill us; and I declair heir, befor the lord, yt it is no particulnr quarrell of myne yt moves me to this, but becaus thow hes been, & still continows, (a traitor) to Jesus Chryst and hes interest and caus, & wring thy hands in the blood of the saints, not only at Pentland, but severall tymes since, and more particularly for the sheding of Mr James Mitchell & James Lermount blood, qos blood cryes wt a loud voice for vengeance from heaven upon ye; & wee ar this day sent by god to execut it: and again desired him to come out of the coatch & make readie for death, judgement, and eternity; qch he yet refuising, anoyr on horse back said,—seeing yr hes been so many lifes taken innocently, for qch yr is no signe of repentance, if yr be any mor lifes taken upon yt account, they shall not be innocently taken.

"After the words, the commander fyred a pistoll at him; & the oyr person standing at the coatch door, thrusting a shabale in him, (qch wounded him a litle,) the Bishop cryed, fy! fy! I am gone! and yet he was not mortallie wounded: and being desired to come out again, he yet refuised, and said, I am gone alreadie, & qt needs more: but yet he said to the commander, I know you ar a gentleman, I will come out to you; for I know you will spare my life: & so he came out of the coatch, and satt doun on his knees, & said, for gods sake save my life. The commander sd yr is no saving of yor life, becaus yee ar a sworn enemie to Jesus Christ and his interest: upon qch reply, the Bishop rose from his knees & stept a litle forward. Ye commander seeing his obdurtnes, & perceaving no signe of contrition in him, notwithstands of all the wickednes he had done, he presently struck him on ye face wt a shable; & anoyr of ym strucking him again, he fell doun to the ground sorlie wounded. The oyr persone who had lighted came forward & cleaved his head in severall places; at qch the gentlewoman qo was in the coatch cryed and said, this is murther! The oyr replyed, fight, it is not murder, but gods vengance on him for murthering many poor soulls in the kirk of Scotland: and, efter he had given ye Bishop thes wounds, he went himself alone to the Bishops servants, qrof to witt yr wer 5, 2 riders, a coatch man, & a postilian and a footman,—and said, render yor armes presentlie! & accordingly they did deliver to him yr pistoles and swords. Therefter this man on foot cryed to his companions, saying, gentlemen, be sure that ye Bishop be dead; and presently yr alighted anoyr, & ran his sword throw his bellie, so yt the dirt came out; & sd, I am sure he is dead now. Ye person qo

and heights run into by some who joined in that rising, contrary to the inclinations of the better and greater part, with the indiscretion, rashness, and ill conduct, not to say cowardice of Robert Hamilton,* who took the command upon him, which ruined 1679.

had first lighted, said, take up your preist now: and imediatly efter he had taken the arms from the servants, he sd, deliver all the papers yee have. They not maks answr, he went to the coatch himself, and took out a litle trunke, & brack it up, and shook out qt was in it on ye ground, but found noth^s ther bot hoods & scarfes, &c., qch they did not meddle w^t: he fand also in the coatch a litle box full of papers, qch they took. They took also a portmantle out of the coatch, qrin yr was severall papers, a byble full of our savior's portratiours in all ye particular passages of his estate of humiliat^n, as also of his now glorified estate of exeltat^n: ye bible lykwayes contined portraitours of all the Saints, qch all ye papists adore: and lastly, in the coatch they fand a caise of very fyne french pistolls, qch they also took. Next they fand under allso, the coatch box, qch being brocken up, they fand noth^s in it but some baggage: he replyed, we medle w^t noth^s but papers and arms. Yrefter they ryped the Bishops pocket, qrin was nather money nor gold, but only a whinger w^t silver roofs and knives conforme, and a few papers, qch they also took; som of the coatch horses being wounded during the action. Efter all was done, qch lasted 3 quarters of ane hour, they drove the coatch of the way some paces, and imediatly the two yt wer on foot mounted yr horse; and all the 9 rod away deliberatlie to the place qr they had left yr cloacks, leaving the dead to be buried by the dead; and as they wer going for yr cloacks they encountred w^t a man, & having asked him qo he was yt was so weel mounted, he answred, I am one of the lord St Andrews servants; qrupon they imediatlie disarmed him, and caused him to light, and they drove away his horse to sheift for him selfe in the open feilds, as they had done formerly to the horse of the oyr 2 riding servants. Then, having come to yr cloacks, & charged qt pistols they had discharged, they rod of softly in a full bodie to a place 3 or 4 mylls distant from yt place qr ye action was done; and having presently put up ther horse, they went joyntlie to prayer, giving thn(n)ks to god for qt he had stirred ym up to do, & for his wonderfull assistance and yr preserva^n in considering how ye lord had so wonderfullie restrained their adversaries on all hands, albeit yr wer soldiers in Largo, Balleirstie, Ladernie, and Couper, the fardest of qch towns was litle mor nor 4 mylls from the place qr ye action wes done; besids a party of troupers runing up and dou^n all corners of yt Shyre continuallie. And, having refreshed ym selfes, they begane & searched the papers; the most considerable qrof ar, first, a gift of nonentries of severall Gentlemen's lands of fyffe & elsqr, on Alex. Leslie of Kinnivie, in the north; w^t instructions & informa^ns how to persew ye action, in ordor to the eviction of the lands: (2dly), the patent of the Bishoprick of dunkell, granted in favors of Mr Androw Bruce, A(r)chdean at St Anderows: (3dly), severall presenta^ns to kings kirks, in favors of Currats: (4), instructions to the conjunct deputs, & new gift of ye heritors fyns: (5), a paper anent establishing of poprie, qr of anent a full informa^n cannot be given till further inspection be had yr unto: (6), severall missives & oyr papers of som vell: and hav^s reposed ym selfes at yt place till night, & all of ym publiclly & privatlie, again & again, recommending ymselfes to god, & yr ways for yr futur protection, they removed from thence w^t as much composure of spirit as yr hearts could wish."—*Ed.*

* *Robert Hamilton*, the son of Sir Thomas Hamilton of Preston and Fingalton, (a steady royalist, but a distinguished friend to the best interests of his country,) was born in 1650. He was educated under bishop Burnet when professor of divinity at Glasgow; and, according to the testimony of that author, was originally a sprightly youth of great promise. Hist. vol. i. p. 471. His intercourse with the more strict class of covenanters does not seem to have been improved by him to any other purpose than to narrow his notions and to inflame his rash temper. Though personally courageous, he certainly wanted the qualifications necessary in a prudent and enlightened commander; and he inevitably drew upon himself the keenest animosity of those partisans whom he affronted by his contemptuous treatment, and did not silence by his success. After the defeat at Bothwell, he avoided the consequences of his attainder and condemnation by an escape into Holland. There, in Geneva and the Palatinate, he endeavoured to excite the sympathy of foreign protestants with the sufferings of their Scottish brethren; and along with his brother-in-law, Gordon of Earlston, he acted as commissioner in behalf of the united societies, whom he greatly assisted by his influence in obtaining for them the countenance and support of the continental churches. He continued to reside principally in Holland, although the English government, apprised of his intention of returning with arms and money to the assistance of his persecuted countrymen, repeatedly urged upon the States an application for his delivery. At length the revolution of 1688 (in which, however, the fastidious nature of his principles would not sanction his concurrence) allowed him to return from exile. His attainder was reversed, and, on his brother's death, he succeeded to the honours of the family; but from religious scruples as to acknowledging the prince of Orange, he never applied for the succession to his brother's estates. In 1692 he was imprisoned for 8 months on account of being the suspected author of the "Sanquhar Declaration, 10th Aug. 1692," and was at length liberated in May 1693, and allowed to spend the remainder of his days in undisturbed tranquillity. Sir Robert died unmarried on the 20th Oct. 1701, at Borrowstonness, where he had resided for some period before. On his death, the Airdrie branch of the Hamilton family succeeded to the representation of the Preston family; and both branches are now represented by that distinguished scholar and historical antiquary, Sir William Hamilton of Preston and Fingalton. Sir R. Hamilton, with all his faults, was a pious man, and his memory will be long cherished by the admirers of the Scots worthies. See Hamilton's Letters—Faithful *Contendings*—Shield's Life—Anderson's Hamilton Family, p. 357.—*Ed.*

that design, and effectually broke
1679. all their measures, much more than any opposition which was or could be made by the king's troops. And the terrible handle made of this rising by the bishops and violent party in the government, in severities, circuits, and oppression of all presbyterians for many years after it was over, appears a sufficient ground for me to insist at more than ordinary length, in giving the account of this lamentable story. Therefore upon this chapter it will be necessary to give some accounts of what succeeded the death of the archbishop, with the procedure of the managers, until the beginning of this rising; then the particular occasions and beginnings of it will come to be inquired into; next, the narration of the lesser rencounters at Drumclog and Glasgow will fall in: after which the state and divisions of the west country army, till the approach of the king's army. And lastly, the engagement itself at Bothwell-bridge, and in Hamilton Muir, where the west country people were defeat, must be considered. These things will take some little room to go through, so as to give a fair deduction of them, and afford matter for the following sections.

SECT. I.

Of the consequents of the primate's death, procedure of the council, and other things until the end of May, 1679.

In this section I shall only give a few instances how much the incident of the primate's death was improven by the managers, to harass a great many innocent people, with some account of the proclamations issued out during this month, before the rising at Rutherglen. As soon as the accounts of this attempt upon the bishop came to Edinburgh, the council met upon Sabbath, May 4th, and took the oaths of some of his servants, and used all imaginable care to discover the actors. The records have not the depositions, but the substance of them I take to be in the narrative above insert. Expresses were despatched to court, and they published a proclamation, which I have insert below.*

The fervour the council could not but be in upon the representation made to them

---

* *Proclamation, May 4th, for discovery of the murderers of the archbishop of St Andrews.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: To our Lyon king at arms, and his brethren, heralds, macers, or messengers at arms, our sheriffs in that part conjunctly and severally, specially constitute greeting. We being fully, and by legal proofs, assured of the late horrid and bloody murder committed upon Saturday last, being the third of May instant, by ten or eleven fanatic assassinates, upon the person of the most reverend father in God, James late archbishop of St Andrews, primate of all Scotland, which barbarous and inhumane assassination and parricide will (we doubt not) spread horror and amazement in all the hearts of such as believe that there is a God, or a Christian religion, a cruelty exceeding the barbarity of pagans and heathens, amongst whom the officers and ministers of religion are reputed to be sacred, and are by the respect borne to the Deity which they adore, secured against all such bloody and execrable attempts, a cruelty exceeding the belief of all true protestants, whose churches have justly stigmatised, with the marks of impiety, all such as defile with blood those hands which they ought to hold up to heaven, and a cruelty equal to any with which we can reproach the enemies of this true and reformed church: by which also, not only the principles of human society, but our authority and government (the said archbishop being one of our privy council) is highly violated, and example and encouragement given for murdering all such as serve us faithfully according to the prescript of our laws and royal commands, daily instances whereof we are to expect, whilst field-conventicles, those rendevouzes of rebellion, and forges of all bloody and jesuitical principles, are so frequented and followed, to the scandal of all government, and the contempt of our laws: and which murder is, as far as is possible, rendered yet more detestable, by the unmasked boldness of such, as durst openly with bare faces, in the midst of our kingdom, at mid-day, assemble themselves together, to kill in our highway the primate of our kingdom, and one of our privy council, by so many strokes and shots, as left his body, as it were, but one wound, and many of which being given after they knew he was dead, were remarkable proofs they were acted by a spirit of hellish and insatiable cruelty. We have therefore, with advice of our privy council, thought fit, hereby to command and charge all sheriffs, stewarts, bailies of regalities, and bailiaries, and their deputes, magistrates of burghs, and officers of our standing forces, to search, seek, take and apprehend the persons guilty of the said horrid murder, or any suspected by them, and to imprison them until they be brought to justice, and all our good and faithful subjects to concur in the taking and securing, as far as is in their power, these assassinates: and in respect there is a company of

by the bishop's daughter and servants, will be a kind of excuse for some things in this proclamation, which at another time might deserve far more severe reflections. All I observe upon it, shall be only, that a handle was taken from every incident, to rail at the whole of the persecuted party, and then notice a few things which even the present circumstances cannot vindicate. It is hard after so many rhetorical aggravations of this assassination, some of which will scarce bear examination, particularly, that "it is equal to any thing that papists had done;" it is hard, I say, to make the king add, "daily instances whereof we are to expect, whilst field conventicles, those rendevouzes of rebellion, and forgers of all bloody and jesuitical principles are so frequented and followed." The field conventicles, whereat the outed presbyterian ministers preached, were hitherto as free of any such doctrine as the churches were, and neither taught nor vindicated this attempt upon the bishop; and if we shall judge of principles from incidental actions of some in a society, we know where to lodge many murders in cold blood, for one alleged upon the frequenters of conventicles. And as in the whole of these twenty-eight years I am describing, there are but four or five instances of any thing like assassinations attempted that I mind of, and none of them ever defended, that I know of, by the suffering presbyterians, but disclaimed: so in a few months' time, we shall find twenty times that number cut off, without any process or ground, by people upon the other side: and it is well known since the revolution, where repeated attempts of assassinating kings (as they called them) *de facto*, landed. So I wish, for their own sakes, the high-flying prelatists would from 1679.

vagrant and skulking ruffians, who, to the great contempt of all government, do ride through this our kingdom, killing our soldiers, deforcing such as put our laws in execution, and committing such horrible murders, who might be easily discovered, if all such amongst whom they converse, did, according to their duty, endeavour to apprehend them, or give notice where they haunt or resort. We have therefore thought fit, conform to the 144th act, parliament 12th, king James VI. to command and charge all our subjects, that whensoever any unknown men or vagabonds shall repair amongst them, that they, with all possible speed, certify any of our privy council, officers of our forces, or any having trust under us thereof; with certification to them, that if they omit the same, they shall be punished with all rigour conform to the said act. And since several of the said assassinates are known to have been tenants in the shire of Fife, whose faces will be known to such of the witnesses as were present, we hereby require and command all the heritors and masters of the said shire of Fife and Kinross to bring their tenants, cottars, and servants, and others dwelling on their lands, to the respective towns at the diets aftermentioned, viz. those within the presbytery of St Andrews, to the town of St Andrews, upon the thirteenth day of May instant; those within the presbytery of Cupar, to the town of Cupar, upon the sixteenth day of the said month; those within the presbytery of Kirkaldy, to the town of Kirkaldy, upon the twentieth day of the said month; and those within the presbytery of Dunfermline, to the town of Dunfermline, upon the twenty-third day of the said month, at ten o'clock in the forenoon, upon each one of the said days, there to continue and abide till they be examined by the sheriff-deputes of the said shire, who are hereby commissionate to that effect, and to be seen by the said witnesses; with certification to such of the said tenants, cottars, servants, and others foresaid, as shall be absent, they shall be reputed as accessary to the said crime; and the masters, if they produce them not, or if hereafter they harbour any that shall not compear, they shall be reputed favourers of the said assassination. And whereas there are some persons under caption or intercommuning in the said shire for several causes, and lest persons who are innocent of that horrid crime, may be thereby debarred from appearing, and vindicating themselves, we have thought fit, hereby to sist and supersede all execution upon any letters of caption or intercommuning, or any other warrant for securing of any persons for any cause, for the space of forty-eight hours before and after the said diets of appearance, that they may safely come and go without any trouble or impediment whatsoever. And to the end the said cruel murder may be more easily discovered, we do hereby offer, and give full assurance of our indemnity, to any one of the said assassinates who shall discover his complices, and such as hounded them out, and of present payment of the sum of ten thousand merks to any who shall inform who were the said assassinates, if upon his information they or either of them can be apprehended, that they may be brought to condign punishment. And ordain these presents to be printed, and published at the market cross of Edinburgh, and at the market crosses of all the royal burghs in the shires of Fife and Kinross, and to be read at all the parish kirks of the said shires, and jurisdictions within the same, upon Sunday next, being the eleventh of this instant, immediately after the ordinary time of divine service in the forenoon, that the same may come to the knowledge of all persons concerned. Given under our signet at Edinburgh, the fourth day of May, 1679, and of our reign the thirty-first year.

ALEX. GIBSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

1679. henceforth spare such insinuations as they lick up from some of the venemous papers of this time.

The proclamation goes on to require all magistrates to apprehend the persons guilty, and subjects to join with them in this. And the act 144, parliament 12th, James VI. is revived: and particularly in Fife, the heritors are required to bring all their tenants and cottars, and masters their servants, to the places named, that such of the bishop's servants as were present, may know their faces. No doubt, all methods should be taken that are suitable to discover assassinations, but one would think this a very improper way to discover them; and it is scarce to be thought any of them would compear so publicly. And masters and heritors are made liable for absents, if afterward upon their grounds; which was a good handle for much severity in that shire. Captions and intercommuning are taken off for forty-eight hours' space, to encourage such to appear: but then, they did not know, but upon other pretexts they might be detained, and few or none such appeared. In short, an indemnity is offered to any of the assassins, who shall discover his accomplices, and ten thousand merks to any who shall inform against any of them, so as they may be apprehended.

With this proclamation the council send a letter to the king, much of the same strain with the narrative of the proclamation, and so I need not insert it. In it they complain of a paper spread (as they seem to suspect, from England) in vindication of Mr Mitchel, which I have not seen. And at the same time, send another letter to Lauderdale, with the proclamation, and acquaint him with a paper dropt in Cupar some days before the bishop's murder, threatening such as should buy any of the goods of denounced persons. All discovered by the multitudes of oaths taken, and the utmost enquiry could be made, was the above list of the names of persons reputed to be actors, who came to the barn at Teuchits about three in the afternoon, and continued till seven. In September, as we shall afterwards hear, another proclamation for apprehending the murderers was published.

This same day, May 4th, there was a meeting at night in the house of Mrs Durham. Many conventicles had been in that house formerly, I may say, one almost every Lord's day; but they were either overlooked or not known, though I am informed the town-major knew of them generally as well as the people who came, and used to take money to overlook these house-meetings. But this day, all being in a stir about the accounts which came from Fife, the major came upon them in a great fury. The preacher was Mr William Hamilton, brother to the laird of Halcraig before described. This young gentleman was a very pious and excellent youth, and a solid serious preacher. He was a relation of Mrs Durham's, and had about thirty hearers, most of them I believe near relations. All of them were forthwith committed to prison, where some continued longer, and some shorter, as their interest was greater or lesser with the managers. But they were extremely hard on Mr Hamilton the preacher. After some weeks' close imprisonment, by his ill treatment there, he fell ill of a flux, which turned very dangerous. His friends presented a petition to the council, offering bond and caution for his compearing, if he lived, under what penalty they pleased, and at what time; begging he might be liberate, that he might have a change of air, and liberty to go to the country, with an attestation under the hand of two physicians, that his life was in extreme hazard; and this method proposed a proper mean for his preservation. Nothing could be laid to the young gentleman's door, but that he had been licensed by presbyterian ministers, and had now and then preached to his own relations in a house. Yet so inhumane were the managers, though the fret by this time, raised by the primate's death, might have been off their spirits, that they not only refused the supplication, but assured his friends they would prosecute him for house-conventicles next council day. Before that came, he died in prison, and had, I may say, a crown of martyrdom, since this carriage may as well almost be looked upon as killing, as if they had sent him to the gibbet: and yet this excellent youth had never broke their laws in preaching in the fields. He was

of known loyalty, and of a peaceable temper. He was under no sentence, and had nothing judicially proven against him; and all they had to lay to his charge, was his preaching once in a relation's house to a few friends, after public worship was over. Though comparisons be what I do not like to make, there are some things in this circumstantiate carriage, which do in some measure look as much towards jesuitical popish carriage, as many things charged on the sufferers.

Besides this instance of severity to a person who could have no accession to the bishop's death, there were vast numbers in Fife and other places, put to great hardships. It was not enough for them to compear at the courts the council appointed, but afterwards, upon every jealousy any of the primate's friends were pleased to take up, they were seized and sent into Edinburgh. I find by the books of council, a good many persons in Fife and Perth taken up, May and June, and lying in prison till the end of the year, without any trial, when upon their petitions they are released by the council. I shall but give one instance of their iniquity this way, upon John Archer candlemaker in Strathmiglo in Fife, brother to Mr Thomas Archer, whom we shall afterwards meet with in this history. This solid and judicious Christian had been since the year 1674 several times searched for, and forced to abscond, and at length was denounced rebel for noncompearance, for no other crime but nonconformity to prelacy, and sometimes hearing presbyterian ministers. During several years he was for the most part obliged to leave his house, trade, and small family, and frequently soldiers were quartered upon his poor wife and children in his absence, who, beside their meat and drink, and what they saw good to take away with them at removal, had sixpence a day, which they forced his wife to pay, reckoning both the day they came to the house, and that wherein they left it. This was the case of many as well as his, and therefore I have insisted the longer upon it.

Some time after the bishop's death, he was seized, when at his work publicly in his own house, by John Paterson of Chanwell, who commanded a party of horse, and was carried straight to the tolbooth of Falkland, and from thence very quickly to Edinburgh, without any reason given him; neither could he guess wherefore it was, till in a little time he was brought before the council, and charged with accession to the archbishop's murder. As soon as he heard this, he begged that such persons in town as he should name, might be called to exculpate him, which being done, and they appearing, all declared they knew him to have been in Edinburgh at that time, and for some days before and after. Notwithstanding of this clear exculpation, he was remitted to prison, where he continued for some weeks. Upon application by his friends to the chancellor at Lesly, he signed a warrant and order to the clerk of council to liberate him. The chancellor knew the man and his conversation, and believed the fair representation given of his case; but when John presented the order to the clerks, it was not at all regarded. Within a few days Rothes came to town, and when he inquired, and found his orders not obeyed, the clerks laid the blame on Sir William Sharp of Stonyhill, who came to the chancellor, and alleged he would prove John Archer guilty of the bishop's death, though he had already proven himself at Edinburgh for some time before that day and after. Such was the equity of this period! Thus he continued in prison *four months* after this, without any libel given him, or any shadow of proof advanced, which was indeed impossible; for he was a man of quite other principles and practices. At length, when nothing could be laid to his charge, the chancellor prevailed to get him liberate towards the end of the year. His imprisonment merely for fees, besides maintenance, loss of time and employment, cost him upwards of a hundred pounds. Many others were this way oppressed most wrongously; but this instance may suffice. 1679.

I know no place fitter than this, to bring in the base murder of one excellent young gentleman Andrew Ayton younger of Inchdarnie, by the soldiers in Fife at this time; and it was one of the fruits of the furious prosecution of the primate's death. I give

1679. it from an attested narrative sent me from a reverend minister of this church present with him that day. This young gentleman had the blessing of early piety; when at the university of St Andrews, he spent much of his time in prayer. After his leaving that, he was much concerned to have presbyterian ministers brought to Fife, and the gospel preached to those who could not hear the incumbents. When little more than seventeen years of age, he was intercommuned, forced to quit his father's house, and to go to some of his relations in the shire of Murray. When there, Mr Walter Denoon, as we have heard, was sent south prisoner. Inchdarnie followed him at some distance, till he was brought to Dundee, and came over to Fife, gathered some of his acquaintances, and rescued that good man. He continued lurking till May 3rd this year, when my informer dined with him in his father's house, and parted with him about two of the clock, when neither of them knew any thing of the bishop's death. Thence Inchdarnie went towards his aunt the lady Murdocairnie her house; and not far from Auchtermuchty he saw a party of horse at some distance riding most furiously to Cupar, upon which he rode a little hard to escape them, which one of them perceiving, broke off from the rest, by order of the commander, and first wounded his horse, and then wounded Inchdarnie mortally, by shooting two balls through his body, without ever asking any questions, or requiring him to surrender himself; and then the soldier rode back to his party, and came with them to Cupar. It was with difficulty the gentleman could sit his horse till he came to the next house, where he got the benefit of a bed, and sent for his relation, Sir John Ayton of that ilk, whose house was near by. Sir John came, and immediately despatched a servant to Cupar for a chirurgeon. But the party had given orders that no chirurgeon should leave the town without allowance from them. When they were applied to, some of their number were sent immediately to the place to bring the wounded person to Cupar; when they came, Sir John Ayton represented the cruelty of taking the dying gentleman three miles to Cupar, and offered them bail, or to entertain them there till chirurgeons were brought, and they saw what became of Inchdarnie. But nothing could prevail, he was hurried away that night upon one of their horses to Cupar; he fainted four times through loss of blood. And the magistrates of Cupar allowed him to be carried to an inn, where he died next day about twelve of the clock in much peace and serenity with the comfort of his parents being with him at his death. The soldier who killed him, was a relation of his, one William Auchmutie, and came to him professing much sorrow for what had happened, begging forgiveness; which Inchdarnie very cheerfully gave him, with some Christian advices. This poor man died in the year 1682, under great terror for this fact. But I return to the procedure of the council.

Upon the 8th of May the council emit a proclamation against travelling with arms without license, which is annexed.* It is

* *Proclamation, May 8th* 1679, *against arms.*

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, the bearing of, and shooting with fire-arms, such as hackbuts, culverings, and pistols, without license from us, is prohibited and discharged by several acts of parliament, under divers great pains and penalties, especially by the eighteenth act of the first parliament, eighty seventh act of the sixth parliament, and the sixth act of the sixteenth parliament of king James VI. And we taking to our consideration, what atrocious facts are committed by rebellious and disorderly persons, who go in arms to field conventicles, these rendevouzes of rebellion, and presume to make resistance to our forces when they offer to dissipate them: therefore we, with advice of the lords of our privy council, do prohibit and discharge all our subjects of this kingdom, except the officers and soldiers of our standing forces, and of the militia, to travel with any fire-arms, as muskets, hackbuts, culverings and pistols, unless they have a license from one of our privy council, or the sheriff of the shire where they dwell, under the pains and penalties contained in the said acts of parliament: likeas, we, with advice foresaid, do hereby authorize and require all sheriffs, stewarts, bailies, magistrates of burghs, justices of peace, and officers of our forces, that they take notice of all persons whom they find travelling, not only carrying the said fire-arms, but also carrying swords, dirks, whingers, halberts, poll-axes, or any other weapons invasive, that they seize upon the said fire-arms, and secure the persons carrying the

founded upon the atrocious facts committed by persons who go to field-conventicles, which hath been already considered; and discharges all subjects to travel with arms without license, and appoints all magistrates to seize such, except noblemen, landed gentlemen, and their children, and servants in company with them, if they be found with arms; and the soldiers are likewise ordered to apprehend such. This proclamation wants much of the virulence of many at this time, and so I say no more of it, but that it was a plain insult both upon the safety and liberty of the subjects, and a good handle for the soldiers to spoil many of their arms, and brought much trouble to many of the persecuted people. That same day the council sent a letter to Lauderdale, acquainting him with the order they had given for discovering the bishop's murderers in the shire of Fife, and the diligent and strict search which had that day been made in Edinburgh, which they term the strictest that ever had been made in it for suspected persons. That the reader may see the pains used in Fife, I have annexed the instructions to the sheriff-deputes there.* 1679.

The care of the managers is not confined to Fife at this time. The earl of Linlithgow is empowered, "to dispose of his majesty's forces, as he thinks most convenient for reducing conventicles and all unlawful conventions." And Adam Urquhart of Meldrum, whom we shall frequently meet with afterwards, having signalized himself by appearing against the persecuted people, is made a justice of peace in the shire of Roxburgh, and is to act in conjunction with Henry Ker of Graden, conform to the instructions, March 11th last. And this month I find the council heap places on

same, not having license from one of our privy council, or from a sheriff, or stewart, granted to these within their jurisdiction, until they give bond and caution to compear before competent judges, and answer for their transgression of the said acts of parliament; and in case the said travellers be found to carry any of the said arms, they not being noblemen, landed gentlemen, or their children, or servants travelling with them or their children, and not having passes expressing whence they came, and whither they go, under the hand of one of our privy council, lords of session, sheriffs, stewarts, bailies of royalties or regalities, magistrates of burghs, justices of peace, or commissioners of excise, granted in favours of these within their bounds, that the said persons be examined by our said judges and officers in whose bounds they shall be found; and in case they cannot give a sufficient account of themselves, that they are none of these vagrant persons, disturbers of the peace, and committers of the said insolencies, we do command our said judges and officers to seize upon their arms, and secure their persons in the next prison, and with all diligence to send an account of their names and examination to our sheriff-deputes specially commissionate for punishing of conventicles, and other disorders of that kind, that without delay they may proceed to the trial of the said persons, according to their commissions and instructions. And we ordain these presents to continue and endure until the first of November next. Our will is herefore, and we charge you straitly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and there make publication of the premisses, that none may pretend ignorance. And ordain these presents to be printed. Given under our signet, at Edinburgh the eighth day of May, 1679, and of our reign the thirty-first year.

ALEX. GIBSON Cl. Secr. Concilii.

GOD SAVE THE KING.

* *Instructions to the sheriff-deputes of Fife, anent the trial of the murderers of the late archbishop of St Andrews.*

That all males from sixteen years of age and upwards in each presbytery, meet on the days appointed, that all the ministers be there, and bring with them the communion rolls. That they mark all of them who come not to church on the account of fanatic or popish principles, and that these be set aside. That all such as are of that tribe, be examined, and obliged to give account where they were all the third of May, and specially betwixt ten in the morning and three in the afternoon, and that they prove what they say by sufficient witnesses, or that they give up the names of the witnesses that they may be examined thereanent. That such as cannot prove a good account of themselves, in manner foresaid, be secured, and their goods seized and secured, till the issue of their trial. That such as shall be absent the said day, be holden as probably guilty of the horrid act, and their goods secured in manner foresaid, and their master be obliged to keep the said goods on the ground, or to deliver them presently. That (if it can be conveniently) search be made, in the time of the said rendezvous, in such places as those in the place shall judge most convenient. That the names of the absents be published at all the parish churches, and at the market-cross the next market-day, and a proclamation of the council containing all their names, prohibiting reset, shelter, or harbour to them; and also ordering all sheriffs, bailies, magistrates, &c. to pursue, apprehend, or kill them in case they resist, or do not submit themselves, and a severe fine on any who refuse or delay to concur in the said duties through the whole kingdom. That the sheriff-deputes do intimate to the heritors of the said shire, that it is the council's express pleasure, that they give all possible concurrence to them in this examination and trial, under all highest pains.

him: he is made a justice of piece in
1679. Teviotdale and the Merse. And May 27th he is made a justice of peace and commissioner against disorders in the shire of Selkirk.

That same day the council approve of the report of the committee for public affairs, and continue Earlston's case till next diet. The report is, "that they had writ a letter of thanks to C. Carne, and William Carmichael, sheriff-deputes of Fife, for their diligence in searching after the murderers of the primate; and had empowered them to secure and put under inventory the goods of John Balfour of Kinloch, Hackston of Rathillet, the three Balfours in Gilston, persons most suspect of the murder, until they themselves be brought to a trial: that they had called before them ten persons apprehended in the south by the laird of Meldrum, two of which, Robert Neilson and Nicol Story, can make great discoveries of Welsh, his haunts and reset, Neilson having confessed that he rode with him and Story; that he collected contributions at their meetings, rolls of which were found on him. They are remitted to the advocate, with other four prisoners sent in from Ayr by captain Murray; and are to continue in prison till they receive a libel for being at conventicles. That the cautioners of Mr Alexander Gordon having forfeited their bond, by not producing him, be charged for five thousand merks; that Mr Andrew Kennedy of Clowburn, upon refusing to depone, be held as confest, and fined in a thousand merks; that Mr Robert Maxwell now confined at Paisley, because of his great age and infirmity, have the diet continued against him, he finding caution to appear when called, under the pain of a thousand merks; that, upon the testimony of the archbishop of Glasgow, Mr John Law be dismissed, upon caution, to appear when called, upon bond of a thousand merks; that Bennet of Chesters continue in prison till he receive an additional libel; and Scot of Pitlochie, and his cautioners be cited to the next council day." I can only set down those hints of things and persons as I meet with them; if the full minutes of the committee of public affairs had been preserved, larger accounts might have been given of them. We had some hints about some of them upon the first chapter.

Upon the 13th of May the council meet, and a letter is read from the king, approving the draft of the proclamation about conventicles, which, it seems, had been agreed upon May 1st. He gives them thanks for it, and declares, "that he will maintain his authority, and countenance them, notwithstanding of the aspersions cast upon them and their proceedings, as contrary to law and reason. And from the satisfaction he received last year, by some of their number coming up, and setting their procedure in due light, when noise was made against them unjustly, he desires them now to send up some, that he may have a fuller view of the state of things at present, and signify his pleasure about many things he cannot impart by a letter. He names the clerk register, advocate, justice clerk, president, and Sir George Mackenzie of Tarbet justice-general, to come to him, that he may have information in law and in fact."

Upon this letter they order the publication of the proclamation against conventicles, May 13th, which is so remarkable, that it deserves a little more to be noticed. The reader will find it below.* It begins with

---

* *Proclamation, May, against arms at conventicles*, 1679.

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith; to
macers or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, albeit by the fundamental laws of all monarchies, the power of arms is lodged in the king, and the rising in arms be punishable as treason, and that the estates of parliament of this kingdom, reflecting with horror upon the great confusions and distempers, and the execrable rebellion of the last age, occasioned by the unwarrantable rising in arms against our royal father of blessed memory, whereby, not only the royal government was endeavoured to be overturned, but the properties and liberties of the subjects destroyed under the specious, but false pretext of religion and conscience, did, by the first act of our first parliament, declare, that it should be high treason to the subjects of this kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in arms, without our special warrant and authority first interponed thereto; and by the second act of the second session of that same parliament, they likewise declared, that if any person or persons should levy war, or take up any arms against us, or any commissionated by us, they

an assertion that doth not so well agree to a limited monarchy, "that by the fundamental laws of all monarchies, the power of arms is lodged in the king, and rising in arms is punishable as treason." This was indeed the doctrine now set up for,* but that it is the fundamental law of monarchy, is more than I have seen proven by the passive obedience gentlemen. Next follows a recapitulation of the spite and venom now ordinarily poured out upon the period from the 1638 to the 1650. To call these times of reformation, rebellion, is now common style: but one must be surprised at the penner of this paper, his asserting, "that then the liberty of the subject was destroyed." This is an odd proposition to be asserted by the managers, till once they had got all the excellent laws, made for securing liberty and property, and restraining arbitrary attempts upon both, by princes or their servants, not only rescinded, but all the copies of them destroyed; for as long as these remain among people's hands, they will easily be in case to disprove this wild assertion; and perhaps a parallel to the good laws betwixt the 1640 and 1650, as to their advantage to the subject, can scarce be produced any where. 1679.

The acts of parliament referred to in this proclamation, have been already considered. The clemency of the government, in not putting these acts in execution, is mightily insisted upon; and the former part of this history will show what were the clement executors' methods. They never had any risings in arms, but that at Pentland; and we have seen how much blood was shed upon that score. People's meeting at conventicles, in arms, was not yet declared a rising in arms, or treasonable, otherwise there was no need of this proclamation, or of the king's signing it, before they durst venture to publish it; nor would the passing it in council, have cost the late primate such a struggle as it did. After they have made the king offer an apology for the former lenity, as "laying a snare for his subjects," all judges and officers of the army are appointed, "to proceed against all such who go to any field-meetings with arms, as traitors." Judges' procedure against them is plain, but for the officers of the army, their doing so needs to be explained a little: more must be necessarily included it, than their seizing them, and delivering them up to other magistrates and judges; for they were thus to proceed against such who had no arms at conventicles. It is then either to call an assize of their own soldiers, as their practice after this explained it, and

---

should be declared and adjudged traitors, and should suffer forfeiture of life, honour, lands, and goods, as in cases of high treason: yet we being always most desirous to essay all means of clemency, for correcting such of our subjects as could be any ways reclaimable, have not hitherto put those acts into such execution, as the disorders and irregularities of some of our subjects did require, hoping their going to field meetings, those rendevouzes of rebellion, with arms, might have proceeded merely from custom or mistake: but now finding by the frequent opposition made in arms to our forces acting in our name, the invading of our officers, and the exciting others to go to such meetings in arms, upon design to oppose our forces, that such as frequent these meetings, do go there in arms upon a criminal and treacherous design, which grows to that same proportion that we use clemency; and we being desirous that none of our subjects should be led in a snare by our former lenity, and to the end their condign punishment according to these laws, may be the more justly chargeable upon the obdurateness and obstinacy of the offenders, have therefore, with advice of the lords of our privy council, after mature deliberation, thought fit to declare, that we will hereafter order the judges of our respective judicatures, and the officers of all our forces, to proceed against all such who go with any arms to those field meetings, as traitors. And lest that any of our subjects may pretend, by the just rigour we will use against such as do go to conventicles in arms, that we resolve to slacken our prosecution of other field conventicles, we have therefore thought fit, to require all our judges and officers to put our laws and former commands in vigorous execution, even against those who frequent these field meetings without arms, we being fully convinced both by reason and experience, that those meetings do certainly tend to the ruin and reproach of the Christian religion and discipline, to the introduction of popery and heresy, the subversion of monarchy, and the contempt of all laws and government. Our will is herefore, and we charge you straitly, and command, that incontinent, these our letters seen, ye pass to the market cross of Edinburgh, and other head burghs of the several shires of this kingdom, and thereat, in our name and authority, by open proclamation, make publication of the premisses, that none pretend ignorance. Given under our signet at Edinburgh, the thirteenth day of May, 1679, and of our reign the thirty-first year.

Per actum Dominorum Secreti Concilii.

ALEX. GIBSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

* It was set up for long before by that "grand schoolmaster of the nation," as he was pleased to call himself, king James VI.—*Ed.*

1679. proceed to a sentence of death; or to kill and destroy them where they found them, without giving themselves this trouble; both which they frequently did, and I know no other warrant but this proclamation. Great caution is used in what follows, lest any favour might be supposed to be in the statutory part, towards such who came to hear the gospel without arms, and had the courage to venture themselves on the mercy of the soldiers and government; and they are fairly warned that no mercy is to be shown them, and all concerned are required to execute the laws against them. The ground of all this severity is, "that now the king is convinced fully, that these meetings, (either with or without arms, *that is*, the preaching of the gospel by any who will not subject to prelacy) do certainly tend to the ruin and reproach of the christian religion, and discipline, introduction of popery, subversion of monarchy, and contempt of all laws and government." It will certainly, when remarked by posterity, leave a lasting reproach upon this period and government, to find such a public declaration concerning the pure and peaceable preaching of the gospel. The ill grounded nature of his majesty's conviction on these heads hath been frequently shown.

I shall only remark further, that the gentleman I have formerly spoken of, hath this observe upon a copy of this proclamation now in mine eye. *Nota*, "This was the last act of council the bishop of St Andrews had the honour to be present at upon earth; for it was passed in council upon Thursday the first of May, and sent up to his majesty, and by him subscribed the 6th of May, and emitted here, and published the 13th of May. In the interim the archbishop went over the water on Friday the 2d, and was cruelly murdered upon Saturday the 3rd, his burial was upon Saturday the 17th of May." By other accounts, and from the nature of the thing, it appears that the archbishop met with some opposition to this severe proclamation. And they all saw need, before it was published, to have it signed by the king, that this might be a warrant to them, if afterwards called to an account for it; and care is taken to insert so much in the title of the proclamation. So we may reckon this the primate's legacy, and an earnest of what he would have essayed had he got up to court. No wonder such a proclamation drove people to measures which otherwise they had no mind to. The former laws, and their severe execution, forced people to come with arms to hear the gospel; now this is made treason, and they traitors. And when no way of relief was possible, but by standing their ground, we need not be surprised, after what went before, and this proclamation, to hear of a rising very soon, especially if we consider the further severe methods agreed upon at this time.

That same day the council remit the consideration of an overture proposed, for obliging masters either to produce their tenants, or be liable for their delinquencies, if they do not produce them to the president, advocate, justice-clerk, Collington and Tarbet. Upon the 15th of May, the overture is approven, and transmitted to his majesty by such as are to attend him; the tenor of it follows. 'That it is thought convenient and legal, to the end that every master may be watchful over his own tenants, and that every tenant may stand more in awe, because he knows that his master stands engaged, that the 6th act, parl. 3rd, James V. be put in execution in this way and manner: that his majesty and council issue out a proclamation, ordaining the justices to hold courts twice a year in those counties that are most irregular, and to take up dittay particularly against tenants guilty of field-conventicles, and such disorders. And where any tenant is delated upon oath by an informer, and is named and set down in the Porteous-roll, as use is, that immediately the names of the tenants so delated be given to the clerk of the justiciary, who must produce them at the day assigned for their compearance, or else pay their unlaw,* to be modified by the justice according to the nature and quality of the case and delinquency. But if the master does exact diligence, in putting the tenant off his land, and does not after reset him, then he shall be free of those unlaws, conform to 107 act, Parl. 7th, James VI.' This, we shall hear,

* Their fine for absence.

was gone into, and became the great foundation of harassing gentlemen and their tenants in the following years.

May 14th, they have the king's letter, in answer to theirs of the 4th dated May 10th, wherein he declares, he will resent the inhumanity and barbarity of the primate's murder; that he approves of their proclamation, and hath caused reprint it at London, and recommends that they go on in the search with all vigour; and puts them in mind of his former commands to some of their number to come up to him. Next day the council send a letter to the king, wherein they remit the state of things to those he has called for, thank him for his marks of affection, promise to go on in his service, and conclude with their hopes, that they need not recommend the state of the church, and such who serve in it, to his majesty, and declaring that their security will still be one of their chief cares.

At the same time they pass an act against that excellent person beforenamed, Mr Patrick Simpson. 'The lords of his majesty's privy council considering, that Mr Patrick Simpson, indulged minister at Kilmacomb, was cited to compear before them in February last, to answer for breach of confinement, and keeping of conventicles; and whereas he hath not appeared, and has been denounced rebel, they declare the kirk of Kilmacomb vacant, and ordain the solicitor to acquaint the parishioners that they pay him no more stipend.' What was the occasion of this severity, I know not. Afterward, as hath been remarked, he had, upon better information given, some favour shown him.

After the persons sent for were gone to court, May 27th, the council acquaint his majesty, 'That they are convened that day, upon a letter from the earl of Argyle, desiring some of the forces to be sent to repress the rebellions and disorderly practices of the lord Macdonald and his accomplices; that they found it not proper to send any of the standing forces to Inverlochie, when conventicles were so numerous, but have ordered the sheriffs of Dumbarton and Bute to join the said earl. And, upon information that several persons in the shire of Inverness have joined the said rebels, they have issued a proclamation against them, and have sent to the earl twelve hundred weight of powder, and ball proportioned.' That same day also letters are writ to the earls of Caithness, and sheriffs of Inverness, to join Argyle in repressing those rebel papists, and to take with them forty days' provision. We shall afterwards hear the earl is called off this necessary work, to join in suppressing the west country army. 1679.

That same day the council approve the following report of the committee for public affairs. 'That they had granted warrant to search further in Fife for the murderers of the primate, and to bring over witnesses against Henry Schaw an intercommuned person lately taken. The prisoners taken by Meldrum are dismissed upon bond, except Neilson and Story, upon caution given to compear before the justices of peace in their shire; and the bonds are sent to him and the quarter-master Dalmahoy, to be put in execution. Claverhouse having lately surprised a conventicle in the parish of Galashiels, where were present the ladies Torwoodlie, Galashiels, and Newton younger, the laird and lady Ashiesteil, the lady Fernylie, and Mrs Jean Hunter, spouse to Mr Pringle, and his daughter, with several other mean persons; a citation was ordered against the said ladies and their husbands to compear before the council, and the laird of Meldrum was ordered to proceed against the rest. Mr Thomas Wilkie, the minister taken at that conventicle, and Mr Francis Irvine an intercommuned minister sent in from Dumfries, are remitted to the council (who order them to the Bass.) Mr James Daes advocate hath the time of paying his fine prorogate till the second Tuesday of June, and is to re-enter prison that day, if it be not paid.' The rising in June, and the consequences of it, put other work than this in the managers' hands for some time. Of this I come now to give some account.

SECT. II.

Of the occasions, and causes of, and inlets to the rising at Bothwell.

THERE can be no exact and full judgment passed upon any matter of this nature, espe-

1679. cially its justice or iniquity, till once it be fully known in its springs and rise; therefore I begin any account I am to give of this business of Bothwell, with some enquiry into these. What I have said before, as to the gathering which ended at Pentland, may very much be referred to here. There was no preconcert, nor any formed design laid down; but the oppressed people gradually fell into this rising, by a chain of things making it some way necessary to them: indeed it ought not to be entirely lodged upon any one of these following particulars, but upon the whole of them; and, no doubt, several other things helped it on, which have escaped my observation.

I may well begin with the heavy oppression of the lieges in their civil concerns, some hints whereof may be gathered from the preceding part of this history, but it is a very small part of it can be now represented. Every one who had the least show of seriousness was grievously harassed in as far as they could be reached, and plain spulies were committed upon all who would not concur actively with the soldiers in their oppressive methods. These things soured the spirits of not a few; and if, as Solomon tells us, oppression makes a wise man mad, we need not wonder at any heights run to at this time, but rather be surprised that things were not much further carried. We have already had some view of the barbarous invasion upon the west country by the Highland host, and the succeeding severities in exacting the cess last year and this. The meetings for hearing the gospel, in houses and the fields, were violently attacked, and frequently the soldiers did discharge their loaded pieces among poor unarmed country people; some, we have heard, were killed, and many were wounded. The dreadful havoc made in all the corners of the west and south of Scotland, by the parties of soldiers marching up and down, and the garrisons, is what cannot be expressed. When the soldiers got notice of the houses of any of the fugitives or intercommuned persons, there they exercised their greatest fury, yea, upon the houses of such as were the relations of the former, and of all who kept not the church regularly. And it was odd to observe how few such they missed in their traversings of the country; they had generally their information from the episcopal incumbent in every parish whither they came. At such houses the soldiers used to stay, not only living at discretion, and eating up as much as they saw good, killing sheep and other cattle for their own use, and giving their horses a great deal more than was needful, but also carried away every thing portable which made for them; and either kept it, or when their luggage turned cumbersome, they would make money of it at the next place they came to, and even force people to give them money for what they had robbed others of. Yea, to such a height came their rage, as they most maliciously destroyed what they could not eat up. In some houses they took the threshed corn out of the sacks, and cast it into the running waters, and took the meal, and trode it in the dunghill; and in other places set fire to the stacks of corn and other victual, and burned the threshed victual: and many other dreadful abuses did they commit, of which there was no room to complain. Many particular accounts of these outrages I have seen, and a good number are before me, too tedious to insert here.

It was no great wonder then, that not a few, who perhaps had no great sense of religion, joined with such as were forced to be in arms, and wander up and down for their principles, and sided with any party who might procure their relief in their property and civil liberty so dreadfully invaded; especially, when they could have no view of redress, but in an hostile way, and by repelling force with force. Indeed, the quarrel upon which several in this rising stated themselves, was self-defence, and the recovering of their civil liberty, as well as the freedom of hearing the gospel preached: and the greatest part of the west and south were subjected, not only to the arbitrary government of the prince, and the more arbitrary procedure of the council, but to the cruel and covetous lust of every private sentinel. Invasions, generally in an evil time, are made both upon religion and liberty: these ordinarily stand and fall together; and when measures are well laid and concerted, it is certainly the most ten-

able and justifiable quarrel for rising in arms, which is stated upon property and right, and where civil liberty is defended and maintained with an eye to its influence upon, and subserviency to religion.

Several things have been already noticed concerning the strict pursuit of the field-meetings in the west and south, by the garrisons formerly mentioned; and as it was a branch of this which gave the immediate occasion to the rising, so the long and growing tract of those severities prepared matters for it. Some of the ministers and people who used to have such meetings with very little observation and noise, and but in small numbers, found it needful, because of the insults of the soldiers, to keep more closely together, and narrow themselves into one meeting, sometimes in one place, sometimes in another, where they best might with safety. I have already observed, that such as were concerned in this ambulatory sort of meeting, were of the warmer sort, who had freedom to go some lengths, wherein the most part by far of presbyterians could not follow them; and some of these afterwards went far greater lengths than at this time were set up for. To this meeting a good many brought arms for defending themselves, and the ministers who preached to them, against the garrisons and parties of soldiers; and they were armed a great deal better than any other I hear of. The soldiers hearing of the numbers in arms, endeavoured by all means to catch people, at least in their coming, and going. Their hazard this way from the garrisons, and rambling parties of the soldiers, whose orders were to apprehend, assault, yea, to kill, if any defence were made, brought them at length to this, that the most part of the constant attenders upon these meetings, save the country people in every neighbourhood, who came merely to hear, were armed. By this the soldiers were a little frighted, and did not so much trouble them as formerly, and somewhat scared from firing among poor naked people, killing and wounding of some, and dragging others to prison and banishment. And this way they kept up the preaching of the gospel for a good many weeks, which now to some of them was indeed dearer than their lives; and the soldiers, when acquainted with their numbers, thought good to keep at distance, and withdraw. Accounts of this were sent to Edinburgh, and the numbers of the armed at this meeting were no way diminished: yea, many lies came in to the council, both by the clergy and commanders of the soldiers. These issued in new and more severe proclamations, as we have heard, and orders to the army. And more soldiers were brought west and sent to the places where the field-meetings were. This again increased the numbers of people in arms at the meetings: and warm persons coming in among them, projects were spoke of *A la-volee;* and some put upon courses they at first had no view of, nor design to come to. They continued together in parties through the week; and their tempers, by hardships and conversation being heightened, there was talking of going some further length than mere self-defence: but any thing that way, came never to any bearing till Drumclog. 1679.

We may add the severe and cruel laws made especially after the primate's death, and some before it. The being in arms at field-meetings is made treason by law, which, as hath been observed, was much the same to many, as if the hearing of the gospel preached by outed presbyterian ministers had been made treason, since the case of not a few was such, as without arms they could not be present at field-meetings: and I do not question this drove many a great deal further than at first they projected. Travelling with arms, or, as the soldiers execute the act, the having of arms at all without the council's license, which none of the persecuted people could ever look for, was punishable at pleasure; and the soldier's pleasure came in room of the council's, and was extravagant enough. Terrible powers were granted by the council to the commissioners, sheriffs, and their deputes, as we have seen, and a good many poor and rakish gentlemen, were clothed with these powers at the request of the bishops. And to crown all, the officers of the army were warranted, not only to apprehend, but wound and kill such as they found with arms at field-conventicles, or any coming or going to them, if they made resistance: and

1679. the parties who ranged up and down, were not wanting in executing these powers granted them.

All these laid together, may discover what extraordinary hardships and difficulties great multitudes were brought under. They found such sweetness in the gospel purely and clearly preached to them, that they looked on it as the greatest blessing, and what was most necessary to them; and it was but a few who had access to it from the handful of presbyterian ministers who were indulged. They were most averse to take up arms, until they were forced to it, and that merely in their own defence. For a long time, though they had arms with them, yet they made no use of them, and never desired any occasion of using them: and being made guilty of treason for this, they were obliged to continue in this way, which the fury of their persecutors had forced them unto. And thus, by one step after another, they were necessitate to this rising I am now to give the account of.

That the party who gathered at Bothwell were in concert with the discontented and country party in England at this time, I cannot believe, since I find no proofs of it. The English writers upon the one side, do assert it, without giving any thing, that I have seen, which looks like a solid reason: and when I consider all circumstances, it appears to me a thing that could not well be. The virulent writer of the "Caveat against the Whigs," alleges there was a close correspondence betwixt Shaftsbury and the Scots rebels as he calls them; and talks of forty copies of his speech in March this year, sent down by the first post to Scotland. We have already found good cause not to receive matters of fact upon the credit of this author's assertion. I see no reason to doubt, but this is a story of his own making, and of a piece with many other untruths in these pamphlets, writ at a juncture wherein somewhat of this sort was necessary to the helping forward the designs of a popish and persecuting party, against the constitution and religion of these kingdoms, upon the back of the almost fatal turn of affairs towards the close of queen Anne's reign. When this rising was begun, and some thousands got together in arms, we shall find, that in order to moderate the warmth of some there, and to enlarge the bottom upon which that appearance was to be stated, motions were made from Edinburgh, that the declaration they emitted might be such as those in England, who appeared for the liberties of their country, might be the better brought in to espouse, if need were: but this plainly enough says, that this rising did not flow from any correspondence with the earl of Shaftsbury; and indeed the narrow lay* upon which the first gatherers together set up, makes this matter beyond debate; and when this proposal was made from Edinburgh, we shall find these people would not go into it. Further, to me it appears almost incredible, that a handful of poor insignificant country people, hearing and following some field-preachers, with no other view, than to have the benefit of the gospel, and preserve it in the land, should enter into a concert with the English peers. I am morally sure, that their ministers had no such correspondence. How far some few gentlemen, and others with them, who had civil liberty in their view in their rising, and by this motive encouraged others to rise, might take heart from the appearances in England against arbitrary and oppressive measures there carrying on, I shall not determine; but I can learn nothing of any direct or indirect concert or correspondence with England, nor perceive any indications of it. I am well assured from some yet alive, who preached in the fields at this time, that they never heard any thing of this nature. Yea, to me it appears very probable, that if matters had been concerted with that party in England, this business would have been more regularly and prudently managed and carried on. When the country people were got together, and the accounts had reached London, I doubt not but Shaftsbury and others there, might wish the people at Bothwell well, and use their interest to have the duke of Monmouth's instructions as favourable as might be, since they knew that party were really struggling for liberty, as they themselves professed to do. This is all that offers to

* Foundation.

me upon this matter; but the author of the "Caveat for the Whigs" will have every thing that displeases him, to come, from an imaginary concert betwixt the republicans in England, as he names all who made any stand against arbitrary measures there, and the presbyterians in Scotland, and the Dutch.

Perhaps, a way for the beginnings, at least of this gathering, might likewise in some measure be paved by the heats about the indulgence and cess, coming to a greater height this year than formerly. We have already heard, that this flame was now rising and spreading. Mr Thomas Douglas, Mr Donald Cargil, and some young preachers, Mr Richard Cameron, and others in some of the field meetings, were openly preaching against hearing the indulged ministers, and speaking some very harsh things of them: and Robert Hamilton, with some others who were with them in arms, did very much widen this breach. And yet we shall find, that although Mr John Welsh, Mr David Hume, Mr Semple, and others who likewise preached in the fields, were very averse from this course, as tending to divide and break presbyterians among themselves, and so to ruin them; yet they and many of their followers, joined with them who rose at this time, and endeavoured to have the differences removed, though with little success.

And, in the last room, it may not be altogether improbable, that John Balfour, and some others concerned in the murder of bishop Sharp, might help on the warmth upon that side to which they joined, and endeavour to bring matters to such an issue, as to save themselves by a formed rising; though, as I said above, their accession to that fact was not generally known at Bothwell; and the people concerned in that rising did never approve of that attempt: and whatever reproach was cast upon them by Balfour, and some others being of their number, yet it hath no foundation at all. Whatever be in this, no doubt it was this party headed by Mr Hamilton, who, as they violently pushed forward the country people to a rising, so by their indiscretion and want of conduct, evidently ruined the west country army, and effectually hindered the fair prospect there once was, that they might have been a mean of delivering the church and nation from the burdens they were under; and the upshot of all was, divisions came in, joint measures were not taken. A great many left them when they saw whither matters were going, and far more never joined them; and such as continued together could never do any thing of consequence: and when they came to be attacked, the high-flyers withdrew first, and left the poor country men to the mercy of the king's army. 1679.

These things were the occasions of this rising; and from them it is evident it was no premeditated or concerted thing in its first beginnings, but gradually one thing fell in upon the neck of another, till the people were brought together in arms; and when once together, no doubt they might have done far more than they did, had they improven their first successes, and kept joined among themselves: which brings me forward to give some account of the beginning and progress of this rising, and the unhappy differences which fell in among them, which I shall run through as quickly as I can, that I may come to the action itself, and the sufferings following upon it, which is my proper task.

SECT. III.

Of the declaration at Rutherglen, May 29th, and the first rencounters, and smaller skirmishes at Drumclog and Glasgow, in the beginning of June.

This rising in the west of Scotland, like many other considerable turns, had but very small beginnings: and it is scarce to be thought that the persons concerned in them had any prospect that what they did, and particularly their attempt at Rutherglen, May 29th, would have been followed with what succeeded.

Hitherto the persons concerned in that united and contracted meeting before spoken of, had contented themselves with coming to sermons preached in the fields by the ministers and preachers who went their lengths, and defending themselves when attacked: but their numbers increasing as

1679. well as their warmth, against such as differed from them, Mr Hamilton, and some others in the company, moved, "that somewhat further should be done by them as a testimony against the iniquity of the times." The reader will have the best view of what they came to, from one of their own papers just now before me, as follows. "After serious consideration and prayer, they (speaking of these concerned in the above mentioned meeting) resolved to continue in hearing the gospel, and reckoned they would plainly quit their duty, if upon the account of danger they gave up this privilege; and considering the smallness of their number, the strength of their persecuting adversaries, together with their own manifold infirmities and failings, they feared, that, if the Lord in his providence should permit them to be dispersed, or to fall before their enemies, their cause would likewise fall; therefore they judged it their duty to publish to the world their testimony to the truth and cause which they owned, and against the sins and defections of the times." Those who were violently against the indulgence, entered into this resolution towards the end of May, and Mr Hamilton was very active in pressing it, and pushing forward a public appearance, as the way to form and strengthen their party, and prevail with others to come and join them when they set up openly against the evils of the time.

In prosecution of this resolution, some were pitched upon, the said Robert Hamilton, brother to the laird of Preston, Mr Thomas Douglas, one of the ministers who preached to them, with about eighty armed men, to go to some public place, and burn the acts and papers which shall just now be named, and publish their declaration. It needs scarce be again here noticed, that neither this resolution nor the underwritten declaration were formed in any concert with the ministers or people who kept field meetings in other places, far less with any concurrence of the body of presbyterians through the nation; and consequently the good or evil in the matter or manner of these is chargeable only upon the few who were engaged. The 29th of May was by them found to be the most convenient day for making this appearance, being the anniversary day so much abused, and against which, among other things, they were to testify. I am informed the city of Glasgow was the place where at first they resolved to have published their paper; but hearing the king's forces were many of them come down from Lanark, and lying there, they altered their resolution, and went to Rutherglen, a small royal burgh two miles from Glasgow. Accordingly they came there in the afternoon, and, extinguished the bonfires with which the day was solemnized, and at the market cross, burned the papers just now to be mentioned in their testimony, and read publicly, and then affixed upon the cross a copy of the following declaration.

The declaration and testimony of some of the true presbyterian party in Scotland, published at Rutherglen, May 29th, 1679.

'As the Lord hath been pleased to keep and preserve his interest in this land, by the testimony of faithful witnesses from the beginning, so some in our days have not been wanting, who, upon the greatest of hazards, have added their testimony to the testimony of those who have gone before them, and who have suffered imprisonments, finings, forfeitures, banishment, torture, and death from an evil and perfidious adversary to the church and kingdom of our Lord Jesus Christ in the land. Now we being pursued by the same adversary for our lives, while owning the interest of Christ, according to his word, and the national and solemn league and covenants, judge it our duty (though unworthy, yet hoping we are true members of the church of Scotland) to add our testimony to those of the worthies who have gone before us, in witnessing against all things that have been done publicly in prejudice of his interest, from the beginning of the work of reformation, especially from the year 1648 downward to the year 1660. But more particularly those since, as

'1. Against the act rescissory, for overturning the whole covenanted reformation.

'2. Against the acts for erecting and establishing of abjured prelacy.

'3. Against that declaration imposed upon, and subscribed by all persons in public trust, where the covenants are renounced and condemned.

'4. Against the act and declaration published at Glasgow, for outing of the faithful ministers who could not comply with prelacy, whereby 300 and upwards of them were illegally ejected.

'5. Against that presumptuous act for imposing an holy anniversary day, as they call it, to be kept yearly upon the 29th of May, as a day of rejoicing and thanksgiving for the king's birth and restoration; whereby the appointers have intruded upon the Lord's prerogative, and the observers have given the glory to the creature that is due to our Lord Redeemer, and rejoiced over the setting up an usurping power to the destroying the interest of Christ in the land.

'6. Against the explicatory act, 1669, and the sacrilegious supremacy enacted and established thereby.

'Lastly. Against the acts of council, their warrants and instructions for indulgence, and all other their sinful and unlawful acts, made and executed by them, for promoting their usurped supremacy.

'And, for confirmation of this our testimony, we do this day, being the 29th of May 1679, publicly at the cross of Rutherglen, most justly burn the above mentioned acts, to evidence our dislike and testimony against the same, as they have unjustly, perfidiously, and presumptuously burned our sacred covenants.

'And, we hope, none will take exception against our not subscribing this our testimony, being so solemnly published; since we are always ready to do in this as shall be judged necessary, by consent of the rest of our suffering brethren in Scotland.'

I have seen a good many copies of this paper in writ, and they generally agree with that which is printed by the society people, in their "Informatory Vindication," Edit. 2. p. 171. and want the clause anent the indulgence. But this, and some other copies I have seen, I have reason to believe, is the extended copy published at Rutherglen. Whether this draught agrees with what was resolved on by the publishers' constituents, I cannot determine. Although probably the bulk of that meeting, where it was agreed upon, were heartily against the indulgence, yet I question if they all came the length of burning the acts hereanent, and I am ready to suspect, that the warmth of some imposed upon the simplicity of Mr Thomas Douglas, and this alteration or addition was made when the paper was extended for publication. The ground of my jealousy is a copy I have before me, which agrees with the most I have seen, and with that in print, and so needs not be inserted as a note, bearing this title, "Double of a paper resolved upon to have been read at the cross of Glasgow, May 29th, 1679." wants this clause, and yet, by that inscription, it seems to have contained what was at first resolved upon: the most part, as I have said, want it, and that copy, published by that set of people, in print likewise. If this conjecture hold, it is a new proof of Mr Hamilton, and others engaged, their zeal to form their public appearances very soon against other presbyterians, and the indulged in particular. Be this as it will, in their after debates this was cast up, and this testimony was urged against joining with such who could not acknowledge the evil of the indulgence, and it was likewise, some time after this, alleged to import a denying of the king's authority: but the framers of it plainly say, as we shall afterwards hear, that this was only waved, and not determined or denied; matters among them were not yet come this length. 1679.

From this short account of the matter of fact, as it passed at Rutherglen, the gross ignorance of our affairs in Scotland, to call it no worse, in the author of the "Caveat for the Whigs," part I. p. 61, will be plain. That writer tells us, that at Ragland they proclaimed the covenant; which is just of a piece with his senseless story, p. 65, that the presbyterians, at their armed field-conventicles, used to take the covenant openly, to the number of seven or eight thousand in a body; which he alleges to have been the cause of the government's dealing severely with them. The English writers have many a time surprised me with their palpable mistakes in matter of fact, when they meddle with our Scots affairs: but in the accounts of this period, I own, allow-

1679. ances must be made them, as being imposed upon by Sir George Mackenzie's Vindication of the reigns of king Charles and king James, and the little idle stories vented by some of our Scots episcopal clergy, since the revolution retired into England, who have made up a great many untruths, to blacken this national church, and to gratify their own fretted spirits, as well as the inclinations of some of the high-flyers in England. Indeed presbyterians may in part blame themselves, who have not given our neighbours and the world a fair and just account of this period.

But I leave this appearance at Rutherglen, and come forward to what followed upon it. Mr Hamilton and his party retired from Rutherglen towards Evandale and Newmilns, after the publication of their paper; whereabout Mr Thomas Douglas was to preach next Lord's day. The publishing of this declaration, and the extinguishing the bonfires made a mighty noise, both at Glasgow and Edinburgh. The thing was magnified, and the officers of the king's forces at Glasgow were in a terrible fret. Mr Graham of Claverhouse, whom we shall frequently meet with in this period, afterwards created viscount of Dundee, was now a captain of one of the new levied troops, and had been, beyond his companions, active in oppressing the country, and hearing down of conventicles. This gentleman had large powers granted him, and marched upon Saturday May 31st, in quest of these who had made the appearance at Rutherglen.* He had his own troop, two others, and some foot given him, to go on this expedition. These men, especially his own troop, were rude profane wretches. One instance shall suffice out of many. One of them, James Blair, who had been chancellor to the assize who gave their verdict against the four men executed at Glasgow, for being at Pentland, came out to Rutherglen the day after Mr Hamilton had been there; whether for information, or what end I know not: he raged up and

* The character of Graham of Claverhouse is thus drawn by one who must be held as at least not over partial to the covenanters:—"The severity of his character, as well as the higher attributes of undaunted and enterprising valour, which even his enemies were compelled to admit, lay concealed under an exterior which seemed adapted to the court or saloon rather than the field. The same gentleness and gaiety of expression which reigned in his features seemed to inspire his actions and gestures; and, on the whole, he was generally esteemed at first sight rather qualified to be the votary of pleasure than of ambition. But under this soft exterior was hidden a spirit unbounded in daring and in aspiring, yet cautious and prudent as that of Machiavel himself. Profound in politics, and embued of course with that disregard of individual rights which its intrigues usually generate, this leader was cool and collected in danger, fierce and ardent in pursuing success, careless of death himself, and ruthless in inflicting it upon others. Such are the characters formed in times of civil discord, when the highest qualities perverted by party spirit, and inflamed by habitual opposition, are too often combined with vices and excesses which deprive them at once of their merit and of their lustre." Tales of my Landlord, vol. II. p. 287—8. If we are not greatly mistaken, the following lines from the *Poetic Mirror* claim the same authorship with the Tales.

"There, worthy of his masters, came
The despot's champion, *bloody Graham;*
To stain for aye a warrior's sword,
And lead a fierce, though fawning horde;
The human blood-hounds of the earth,
To hunt the peasant from his hearth!
Tyrants! could not misfortune teach,
That man has rights beyond your reach?
Thought ye the torture and the stake,
Could that intrepid spirit break,
Which even in woman's breast withstood
The terrors of the fire and flood!"

Claverhouse married Jean, daughter of lord Cochran. Her mother was a sister of that lord Cassilis (son of the *good earl*) who was the only person that voted against the act 5. 1670, imposing death on preachers at field-conventicles. (Burn. I. 292, fol.) It was on her account, and also on that of her sister Margaret, wife of bishop Burnet, so noted for her attachment to presbytery, that the family was esteemed *fanatical;* and it is a singular fact that Claverhouse was turned out of his posts for marrying into it; but his lady is said to have been a bitter enemy of presbyterians, and to have expressed her wish that the day she heard a presbyterian minister, the house might fall upon her. Being in Rotterdam, after she was lady Kilsyth, she had strayed in to hear sermon in the Scots church there, and next night her lodgings fell and smothered her and her child. (Wood's Peerage, art. *Dundonald.* Wodrow's Analecta, MS. III. p. 236, 252. Remark. Providences, MS. p. 20.) Mr Robert Fleming, afterwards in London, and the well-known author of the Discourses on Prophecy, was then minister in Rotterdam, and is said to have mentioned in his discourse that there were some in the assembly, he did not know who, very near a sudden stroke. (See MS. Rem. Providences, &c. *ut supra.*) Those who wish to see a full account of the circumstances connected with the discovery of the body of lady K. and her son at Kilsyth in 1796, may consult the Statistical account of that parish, vol. XVIII. p. 300, &c.

down the streets like one possessed, threatening and abusing the inhabitants, and asking where these eighty men were who slockened out the fires yesternight, swearing bloodily he would run his sword through their soul if he had them, with many other senseless and execrable expressions. This poor man was killed next day save one at Drumclog. Claverhouse's commission and powers were very great, though I cannot say but they were agreeable to the acts of council formerly mentioned; and had he not been stopped, was abundantly ready to have executed them in all points: he had liberty to kill and destroy all he found in arms, at any field-meeting, to deal with them as traitors, and to discover, seize, and, upon resistance, to kill all who had any share in the appearance at Rutherglen. Accordingly upon the Saturday afternoon, he came up in a surprise upon the town of Hamilton, where he got notice of Mr John King and some others, who were come to that place, or near by it. Whether Mr King was to go to the meeting at Loudonhill, or to preach himself near by Hamilton, I know not; the last is most probable, for I do not find him among those who ordinarily were with Mr Hamilton, Mr Thomas Douglas, and others of their sentiments. Claverhouse seized Mr John King preacher, in Hamilton, or, as some papers say, in a house a little south-east from the town, and about fourteen more country men, mostly strangers, either come with Mr King, or going to the meeting to-morrow. There was some pretence to seize Mr King, being a vagrant preacher, and, I think, intercommuned; but there was no law for seizing the rest, they not being in arms, or any thing to be laid to their charge. When this was known, some who escaped, and the people near by, began to entertain thoughts of rescuing Mr King; and some of them went toward Glasgow, acquainting their friends by the way, and hearing of the meeting towards Loudonhill, went thither, expecting assistance from thence.

Meanwhile Claverhouse was likewise advertised of that conventicle designed next day, and resolved to go and disperse them, and come from thence to Glasgow, with his prisoners. I am told he was dissuaded, by some of his friends, from going thither, and assured there would be a good many resolute men in arms there, yet trusting to his own troop, and some others of horse and dragoons he had with him, he would go. Accordingly upon the Sabbath morning, June 1st, he marched very early from Hamilton to Strathaven town, about five miles south, and carried his prisoners with him, which was happy for them. They were bound two and two of them together, and his men drove them before them like so many sheep. When they came to Strathaven, they had distinct accounts that Mr Thomas Douglas was to preach that day near Loudonhill, three or four miles westward from Strathaven; and thither Claverhouse resolves to march straight with his party and prisoners. Public worship was begun by Mr Douglas, when the accounts came to them that Claverhouse and his men were coming upon them, and had Mr King and others their friends prisoners. Upon this, finding evil was determined against them, all who had arms drew out from the rest of the meeting, and resolved to go and meet the soldiers and prevent their dismissing the meeting; and, if possible, relieve Mr King and the other prisoners. They got together about 40 horse, and 150 or 200 foot, very ill provided with ammunition, and untrained, but hearty and abundantly brisk for action, and came up with Claverhouse and his party in a muir, near a place called Drumclog, from whence this rencounter hath its name. This little army of raw undisciplined countrymen, who had no experience in the business of fighting, neither had they officers of skill to lead them, very bravely stood Claverhouse's first fire, and returned it with much gallantry; and after a short, but very close and warm engagement, the soldiers gave way, were entirely defeat, and the prisoners rescued. Claverhouse and his men fled and were pursued a mile or two. 1679.

In the engagement and pursuit, there were about twenty, some say forty of the soldiers killed, and Claverhouse himself was in great hazard, had his horse shot under him, and very narrowly escaped. Several of the other officers were wounded, and some of the soldiers taken prisoners, whom having disarmed, they dismissed without

1679. any further injury, having no prison-house to put them in. All this was done with very inconsiderable loss on the country men's side. Some accounts before me say, only one man, John Morton, was killed; others say, two or three, and some few wounded. Some of them died in a few days, as Thomas Weir, and William Danziel, who was concerned in the bishop's death. Mr Hamilton in this action discovered abundance of bravery and valour, and from this day's success, he reckoned himself entitled to command afterwards wherever he was, though he had no experience in military affairs; and some reckoned him of a passionate and positive temper. I find some papers blame him for one of the soldiers' being killed after quarters given; but how far this is true, I cannot determine;* and they add, that after this, his conduct, counsel, and courage evidently failed him. Other accounts before me give the honour of this success to William Cleland, afterwards lieutenant-colonel Cleland, well known for his piety and bravery, at, and since the revolution, and say, he made the country people, upon the soldiers presenting their pieces, and firing, fall flat to the ground, so that they quite escaped their shot. However this matter stood, Claverhouse and his men were totally routed; and it was the opinion of not a few, that if the country men had pushed their success, followed their chase, and gone straight to Glasgow that day, they might easily with such as would have joined them by the road, upon the notice of their success, have dislodged the soldiers there, and very soon made a great appearance; but they did not so, and in a few hours returned to the meeting. (Some accounts before me say, they went straight to Hamilton.) Thus the forces at Glasgow had the alarm, and were prepared to receive them to-morrow, as shall be noticed in its place.

When they returned, and had consulted some time among themselves, what to do in their present circumstances, Mr Hamilton and his party came to a resolution to continue and abide together in arms. The grounds they went upon were many. When things were at this pass, it appeared absolutely necessary they should stick together; they could not separate without evident hazard; they knew well their persecutors' rage would be sharpened by this ruffle; and if when they were merely passive, and made no resistance, they and others used to be sought for at their dwelling houses, and in their wanderings taken, tortured, and murdered, or at least banished; what might they not now expect? As soon as ever they separate, the soldiers would be upon them one by one, and destroy them. Upon these reasons they resolved to abide together in this extremity, till they saw what turn things would take. This was the beginning of the rising which ended at Bothwell.

It is not worth while to refute the senseless blunders of the writer of the "Caveat for the Whigs," upon this skirmish at Drumclog. Every line almost contains a mistake. He talks, "that the country men upon June 1st rendevouzed upon Loudon-hill, to the number of fourteen or fifteen hundred men, well armed, the foot commanded by one Weir, and the horse by Balfour and Hackston, murderers of the primate, with Hamilton and Patron." I fancy he would be at Paton of Meadowhead, but he was not come up till some days after Drumclog. I need not expose the lies in every word of this; it is just made up to expose the country people, and extenuate Claverhouse's shameful defeat.

Mr Hamilton and those with him, after their success, marched that night to Hamilton with an eye to the city of Glasgow. Claverhouse, when after his narrow escape got to that city, sufficiently alarmed my lord Ross, and the rest of the officers of the king's army there, and, to be sure, did not lessen Mr Hamilton's numbers. By this means the soldiers there were upon their guard, and had formed barricadoes and some kind of shelter for themselves at the cross and other places in that open and large city, before the country people could reach it.

Upon Monday June 2d, Mr Hamilton and

* Hamilton in his "Letter of Self-vindication," published in 1684, seems to acknowledge his, and even to glory in it; for says he, "being called to command that day, I gave out the word that *no quarter should be given!*"—*Ed.*

his party marched from Hamilton to Glasgow; the success they had the day before, the numbers joined to them in their march to Hamilton, and betwixt Hamilton and Glasgow, where the country had been alarmed with Mr King's being taken, and encouraged by Claverhouse's flight, had elevated them too much. They would scarce have attempted to dislodge the regular troops, had they duly considered their number, the skill of their officers, my lord Ross, major White, Claverhouse and others, and the care they would take to put themselves in the best posture of defence the place would allow; and they had not been idle, but formed themselves in the centre of the town, and covered themselves at the cross with carts laid over with deals and other things at hand, the best way they might; behind these they stood and received the shot of the country men, without any hazard almost. About ten of the clock the country men came to Glasgow, and divided themselves into two bodies. The one, under command of Mr Hamilton, came up the street called the Gallowgate; and here their leader did not show that gallantry he had the day before discovered, and some question if he looked the soldiers in the face, and say he stepped into a house at the Gallowgate bridge till his men retired; the other party came in at the head of the town, by the wyndhead and college. The country men showed abundance of courage, but were under mighty disadvantages; their horses were of no use to them at all; they were perfectly open to the fire from the closses and houses, as well as that of the soldiers who lay behind the rails and barricadoes covered from their fire; yet so brisk were the country men in their attack, that, I am told, several of the soldiers gave way, and some of their officers saw good to retire behind the tolbooth stair. And it is not improbable if the country men had had officers to direct and lead them, they might have chased the soldiers out of their nest. But after six or eight of them were killed in the attack, among whom I find Walter Paterson, a choice and pious youth in Cambusnethan parish, and two or three wounded, who were afterwards taken, the country men retired in order, finding the attempt too warm for them, and drew up in two bodies a little from the Gallowgate port, expecting the regular forces would venture out of their barricadoes, and give them fair play in the open fields: but the soldiers liked their entrenchment very well, and were not fond to follow them, and content to lie still with whole skins. I am told indeed a few were sent out to view the country people's army, but, as soon as they discovered a party sent to meet them, they retired. After they had waited some time in the open fields without any appearance of a visit from the soldiers, Mr Hamilton and those with him marched back again to Hamilton, where they formed a kind of camp; the people not being unfriendly, and the duke and duchess at London, they took the liberty to put their horses into their parks. This discomfiture very much disheartened the raw and unexperienced soldiers. It was, indeed, a rash attempt, and if they were left in the attack by their leader, it could not be but discouraging; but the numbers from all quarters who flocked to them, soon made them forget this disappointment. 1679.

When they are fairly marched off, the king's forces came out of their barricado. Great was the inhumanity of the soldiers to the dead bodies left in the streets. I find some papers asserting that Claverhouse and some of the officers gave orders that none should bury them, but that the butchers' dogs should be suffered to eat them. I can scarce prevail with myself to think there were any such orders given; but it is certain that the seven dead bodies lay upon the street from eleven of the clock till night came on, and the common soldiers would not permit them to be carried into houses, yea, actually hindered by force people who were going about this act of humanity: yea, which further discovers their naughty barbarity when in the evening they were taken into houses, and dressed up for their burial, the soldiers came in and turned the bodies out of their dead clothes, and went off with the linens. And when a kind of connivance was given to bury them, none durst appear to do this last office but women; yea, when these were carrying them up the street to their burial-place such was

1679. the unparalleled rudeness of the soldiers, that they attacked the women, cut the mort-cloths with their swords, and forced away the bier-trees from them. Upon this the women turned off some of their own plaids, folded them by their length, and put them under the coffins, and went on with them, till the merciless soldiers, after they had scattered those who were not carrying, came and took the plaids from them, and would not suffer them to carry the coffins to their graves, so they were set in the alms-house near the High-church, and I think continued there till Mr Welsh and some of their friends in a few days came and buried them, as shall be noticed in its own room.

SECT. IV.

Of the procedure of the council, and motions of the king's forces until the duke of Buccleugh and Monmouth's coming down June 18th, 1679.

I SHALL in this section essay a narrative of the procedure of the managers and council at Edinburgh, upon this rising, now begun in the west, from the registers, and take notice of the orders they send to the army, and their motions in prosecution of these as far as the hints in the books of council lead me.

Very early June 3d the council meet by advertisement from the committee for public affairs, who had received a letter from Claverhouse to the major-general, giving an account of the opposition he had met with at Drumclog, and another from my lord Ross acquainting them with the attack made upon Glasgow. Immediately they form and publish the proclamation against the rebels in arms in the west, which I have insert.* The first accounts of matters of this nature are not readily the best, and it is the lame post brings the surest news: accordingly we shall find, in running through this paper, mistakes in

* *Proclamation against rebels in arms in the west. June 3rd, 1679.*

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith: to all and sundry our good subjects, greeting. Whereas by the clear and express laws and acts of parliament of this kingdom, it is declared to be high treason, for the subjects of the same, or any number of them, more or less, upon any ground or pretext whatsoever, to rise, or continue in arms, without our special authority and approbation: yet nevertheless, a party of disloyal persons, disaffected to our government and laws, who have formerly tasted of our royal bounty and clemency, whereunto they owe their lives and fortunes, having forfeited the same by their former rebellious practices, under the cloak of religion, the ordinary colour and pretext of rebellion, have risen in arms, in great numbers, and upon the twenty-ninth of May, came to the town of Rutherglen, head burgh of the shire, where they proclaimed their rebellious covenant, and burned our acts of parliament, and at Loudon-hill, upon the first of June instant, they did actually oppose, and fight our standing forces, and thereafter did pursue them to, and assault them within the city of Glasgow, and have seized upon the persons of divers of our good subjects, plundered and robbed them of their horses, arms, and other goods, and have done and committed many other outrages, and treasonable deeds and attempts, against our authority, and against, and upon our loyal subjects: and we, out of our royal tenderness, for the peace and quietness of this our ancient kingdom, being careful to repress the said rebellion, and that simple and unwary people be not ensnared by the said rebels, and their emissaries, and involved in their rebellion, and to take off all pretence of ignorance, or excuse, do therefore, with advice of the lords of our privy council, declare the said insurrection to be an open, manifest, and horrid rebellion, and high treason, and that the authors and actors in the same, and their adherents, are, and ought to be pursued, as professed and declared traitors to us; and do hereby command and charge all persons who are in arms, against, or without our warrant and authority, to desist from their rebellion, and to lay down their arms, and to render and present their persons to the earl of Linlithgow our major-general, and commander-in-chief of our forces, or some other of our officers, or magistrates, within twenty-four hours, after publication hereof, with certification to them, if they continue in rebellion after the said time, they shall be holden, and proceeded against as incorrigible and desperate traitors, and that they shall be incapable of mercy and pardon: and we do hereby prohibit and discharge any person or persons to aid, abet, assist, harbour, reset, or any ways supply the said rebels, or any of them, under the pain of treason; and that they do not keep correspondence, or commune with them, without warrant of our said major-general, under the pain foresaid. And we do expect in this juncture, and do require and command all our subjects to be assisting to our major-general, and our forces under him; and being required by him, or others having authority, to that effect, to rise in arms with all their power, and to join, and concur with them, for suppressing the said rebels, under the pain of treason, if they refuse or disobey. And further, we do strictly enjoin and command all masters of families, heritors, and other landlords, that they be careful and vigilant, that their children, servants, domestics,

matter of fact. We have done so in former papers of this nature, and ere long we will meet with more of them. I shall make but a few remarks on it.

The foundation of all that follows, is what hath been considered, the laws declaring it treason for any subjects to rise in arms without the king's authority. It is added, that the people now up in arms had tasted of the king's bounty and clemency, which the reader may judge of by the preceding history. If harassings, huntings, fugitating, intercommuning, and daily searchings and perils be the bounty and clemency of this period, they tasted abundantly of them. The cloak of religion is made the ordinary pretext of rebellion, which does not at all hold as to presbyterians, how far soever it may be true of papists: the religious rights and reformation of Scotland was indeed made a part of our legal constitution, and a good many of the public appearances pointed at here, and called rebellion, were for both. It is not worth while to consider the honour the council do to the little burgh of Rutherglen, in making it the head burgh of the shire, for the sake of a little aggravation of the rising there. But, that the persons who came there, proclaimed the covenant, is what is not matter of fact. We have seen what they proclaimed, and indeed it differs very much from our covenants. That they seized upon the persons of divers of the king's subjects, plundered and robbed them of their horses, arms, and other goods, is likewise a misinformation, unless they understand it of what they did to the soldiers, whom they took in their flight: neither did they commit any outrages against the king's loyal subjects. 1679.

After this narrative, the reader will judge with what ground that insurrection is declared to be "an open, manifest, and horrid rebellion," and that all the authors, actors and adherents are to be pursued as professed traitors. After this declaration, which does not appear to me any great encouragement to lay down their arms, all are charged to desist from their rebellion, lay down their arms, and render their persons to the earl of Linlithgow, or any other officer or magistrate in twenty-four hours; with certification, they shall be proceeded against as desperate and incorrigible traitors. For my share, the tenor of this paper looks as if designed to make the country desperate. They are declared professed traitors, invited to come in, without any promise of pardon, in twenty-four hours, and after that they are to be treated as desperate traitors, and incapable of mercy. What could this mean, but to put them to the greatest heights? All are discharged to harbour, or supply them, or correspond with them, without warrant of the earl of Linlithgow, and required to join with the army, and rise in arms, under pain of treason to the refusers. Masters of families, heritors and landlords are required to be careful lest any of their children, servants, or tenants join the rebels: "Certifying them, if found negligent, they shall be looked on as disaffected persons." This clause was improven after Bothwell, with a witness, by the soldiers and others.

Unto this proclamation, when the news of multitudes joining Mr Hamilton, and the people now in arms came east, the council added another with relation to the militia, dated June 5th, which is likewise inserted.*

---

and their tenants, and others under their power, do not break out, and join with the said rebels; certifying them if they be found negligent in their duty, or otherways culpable in that behalf, they shall be looked upon, and severely punished, as disaffected persons, and favouring and complying with rebels. And hereby we give warrant and command to our lyon king at arms, and his brethren, heralds, macers, pursuivants, or messengers at arms, to pass to the market-cross of Edinburgh, and other places needful, and make publication hereof; and that these presents be printed, that none pretend ignorance. Given under our signet at Edinburgh, the third day of June 1679, and of our reign the thirty-first year.

THO. HAY, Cl. Secr. Concilii.

GOD SAVE THE KING.

* *Proclamation, June 5th 1679, for the Militia's being in readiness.*

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith: to macers of our privy council, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, there have lately appeared in arms, and are now risen in manifest rebellion, in some western shires, great numbers of persons, who have had the boldness to fight and oppose our standing forces: for pursuing and dissipating of which rebels, we, with advice of our privy council,

1679. It is founded upon act 2d, session 1st, 2d parliament, Charles II. and act 1st, session 3rd. All the outriggers of the militia, and officers thereof, are ordered to come out, and keep their diets of rendevouzes, and to join and act with the standing forces, when required by the privy council or commander in chief, the earl of Linlithgow, under the certification of being fined *toties quoties* for ilk day's absence, as the act specifies, and being looked upon as favourers and compliers with the rebels, and pursued and punished accordingly. The fines are very severe, and doubled in time of war; and became matter of much trouble to not a few, after this business was over. I have no accounts of the militia's doing any great things when the time of action came; however, this, with what follows, discovers both the fear of our counsellors and their care to provide against the country people now together. Their care continues: and that I may give all the proclamations at this time together; June 7th all the heritors and freeholders are called to attend the king's host, by the proclamation I have added.* The narrative of this proclamation shows it was

having issued forth several orders to the earl of Linlithgow, major-general and commander in chief of our forces, and to the militia forces, horse and foot, in divers shires, to concur and join with our forces, as they shall be ordered. And whereas by the second act of the first session of our second parliament, and the first act of the third session of that same parliament, we, and our estates, have, for the greater security of the public peace, settled a militia in the several shires, appointed days of rendevouz, and determined the penalties of absent officers and soldiers, in time of peace and war; and particularly the outriekers of horse and foot, are liable in six pounds Scots for the absence of ilk horseman, and two pounds Scots for ilk footman, each day of the rendevouz in time of peace, and the double thereof in time of war; and the officers of the militia, to be liable to, and forfeit the fines following, viz. a major, and a captain of foot, and a lieutenant, and colonel of horse, fifty pounds, and the other inferior officers, twenty-four pounds, for ilk day's absence, in time of war, and the half thereof in time of peace. And albeit we doubt not, but that the whole officers and soldiers of our militia will, upon this occasion, when such a rebellious rabble do presume to appear in arms, attack, kill and invade our forces, cheerfully witness their zeal for our service and their own security, and come forth and join in opposition to these rebels, as they shall receive orders: yet we have thought fit hereby, in pursuance of our said laws and acts of parliament, to intimate and make known to the whole officers and soldiers of the militia, that if they, or any of them shall refuse to come out, and keep their several days of rendevouz, and join and act with our forces, as they shall be required by our privy council or commander in chief, that they shall not only be fined in the particular penalties above expressed, without favour or defalcation; but if they shall be negligent in their duty herein, they shall be looked upon as disaffected persons, and favourers and compliers with rebels, and pursued and punished accordingly. And we ordain these presents to be printed, and published at the market cross of Edinburgh, and other places needful. Given under our signet at Edinburgh, the fifth day of June 1679, and of our reign the thirty-first year.

THO. HAY, Cl. Secr. Concilii.

GOD SAVE THE KING.

* *Proclamation, calling out heritors to attend the king's host, June 7th*, 1679.

Forasmuch as the insurrection in the western shires is grown to an open rebellion, and that the number of these desperate rebels do increase so, that all his majesty's loyal subjects in their several shires, ought timeously to look to their own security, and put themselves in a posture to defend the king's authority, and to oppose all attempts of desperate and wicked rebels: and albeit his majesty's privy council have already issued forth their orders for drawing forth the militia forces, horse and foot, in several shires, and appointed particular days of rendevouz, and upon such occasions may require all fencible persons, betwixt sixty and sixteen, to rise for suppressing of these rebels; yet at this time, they have thought fit only to call out and require the regiments of the foot militia, in the shires aftermentioned; and all heritors and freeholders, who are fencible persons, and their servants and followers, to come out upon horseback; and for this cause, to forbear to require the militia troops, in these shires underwritten, at this time, notwithstanding of the orders already issued forth, in so far as concerns the horse militia allenarly; and do hereby require and command all heritors and freeholders, who are fencible persons, with so many of their servants and followers as they can bring on horseback with arms, within the shires of Edinburgh, Linlithgow, and Peebles, Haddington, Stirling and Clackmannan, Berwick, Roxburgh and Selkirk, Fife, Perth, Forfar, Kincardine and Marshall's part of Aberdeen, Bamff and Errol's part of Aberdeen, Ross, Elgin, Forres, Nairn, and this side of Ness, to convene at the places and times aftermentioned, and to receive their orders, and to be under the command of the persons underwritten, viz. Edinburgh to meet at the Links of Leith upon the eleventh day of June instant, and to be under the command of the lord Collington; Linlithgow and Peebles to meet at the Links of Leith the eleventh day of June instant, and to be under the command of general Dalziel; the shire of Haddington to meet at Beinston Muir the eleventh day of June instant, and to be under the command of the viscount of Kingston; Stirling and Clackmannan to meet at the town of Stirling, and from thence to march to the Links of Leith upon the eleventh day of June instant, and to be under the command of the lord Elphinston; Berwick to

formed when the regular forces, coming back towards Glasgow, thought good to return; since it represents, that the insurrection in the western shires is now grown to an open rebellion. Upon this the council, though they might have required all betwixt sixty and sixteen to rise, yet at this time, they only call out the regiments of the foot militia in the shires mentioned in the proclamation, and require the heritors and freeholders who are fencible men, with so many of their servants and followers as they can bring out upon horse, to repair to the places specified, and supersede the horse militia. The whole western shires are omitted, and those named are, Edinburgh, Linlithgow, Peebles, Haddington, Stirling, Clackmannan, Berwick, Roxburgh, and Selkirk, Fife, Perth, Forfar, Kincardine, Marshall's part of Aberdeen, Bamff, and Errol's part of Aberdeen, Ross, Elgin, Forres, Nairn. All benorth Forth are to march immediately after their rendevouz, to Stirling-bridge; and all besouth Forth to the links of Leith. Full power is granted to them to seize all disaffected persons; and, in case of resistance, to use them as enemies, within their respective bounds, especially such as shall be suspected to 1679. be going out of the shire, to join the rebels. Heritors who come not out with their best horses and arms, and all their servants and followers they can bring on horseback, shall be liable to the pains and penalties provided by acts of parliament, against such who do not attend the king's host, or desert the same. This proclamation was matter of very grievous fining to a great many gentlemen and others, who from different reasons could not attend the king's host, as we shall afterwards have occasion to remark in its own place. I shall only observe further, that all or most part of the officers named for that host were the most violent persecutors of presbyterians; and there were not a few among them favourers of popery, and some professed papists. This was plainly contrary to law, and their own late proclamation this very year, and flowed from the strength of the duke of York's party in council.

These proclamations, especially this last, of June 7th, were very burdensome to the country; and at this juncture there was a

---

meet at Fogo-muir upon the eleventh day of June instant, and to be under the command of the earl of Hume, and in his absence, his brother Charles Hume; Roxburgh and Selkirk to meet at Ancrum Bridge upon the sixteenth day of June instant, and to be under the command of the lord Elibank, and the laird of Stobs, who are to command according to the division of the militia troops; Fife to meet at Cupar the twelfth day of June instant, and to be under the command of the lord Newark; Perth to meet at Perth the thirteenth day of June instant, and to be under the command of the marquis of Montrose, and such persons under him as he shall appoint; Forfar to meet at Forfar upon the thirteenth day of June instant, and to be under the command of the earl of Southesk; Kincardine and Marshall's part of Aberdeen to meet at Aberdeen Links upon the nineteenth day of June instant, and to be under the command of the earl of Aboyn; Bamff and Errol's part of Aberdeen to meet at Turreff upon the nineteenth day of June instant, and to be under the command of the earl of Kintore; Elgin, Forres, Nairn, and this side Ness, to meet at Forres upon the twentieth day of June instant, and to be under the command of the earl of Murray, and in his absence the lord Duffus; Ross to meet at Chanry the twenty-third day of June instant, and to be under the command of the earl of Seaforth; and ordain all the heritors and freeholders of the shires benorth Forth, to march immediately after the rendevouz to the bridge of Stirling, and all the heritors and freeholders of the shires on the south side of Forth, to march after the rendevouz to the Links of Leith, there to continue till further order: with full power to them to seize upon all disaffected persons, and in case of resistance, to use them as enemies, within their respective bounds, or such as shall be suspected to be going out of the shire to the rebels; with power likewise to the said commanders, to appoint officers under them, to command in the several divisions of the shires above mentioned; ordaining hereby the respective commanders aforesaid, to cause *public* proclamation and intimation to be made hereof to the respective shires under their command, at the several places already appointed for the first day's rendevouz of the militia, that the said meetings may be punctually kept; certifying hereby all such heritors, and others foresaid, as shall not come out upon horseback themselves with their best horses and arms, with so many of their servants and followers as they can bring out upon horseback, they shall be liable to the pains and penalties provided by the acts of parliament against such as do not attend the king's host, or desert the same, and looked upon as disaffected persons, and favourers and compliers with rebels, and pursued and punished accordingly. And ordain these presents to be printed, and published at the market cross of Edinburgh, and other places foresaid, that none pretend ignorance.

THO. HAY, Cl. Secr. Concilii.

GOD SAVE THE KING.

1679. paper writ by a very able hand, entitled, "A Letter of Advice writ by a gentleman to his friend, on the occasion of his going out to wait upon the army, conform to the proclamation, June 7th, 1679." The author of which takes notice of another proclamation for volunteers, which I have not seen, whereby he says, "all the papists in the kingdom are armed, and called out to the fields; and reckons that, and this anent heritors to be among the greatest grievances. He complains heavily, that after so large a taxation, for maintaining a standing army, gentlemen should be obliged to come out themselves: and notices, that east Lothian, Kincardine, and Marshall's part of Aberdeen, were under popish commanders named by the council, contrary to law, and their own late proclamation. And that those officers had the power of naming inferior officers." He takes notice, "that the presbyterians were forced from their meetings in houses (permitted in England and Ireland) to the fields, and then hunted, apprehended, imprisoned, tortured, blocked up in prison; and some of them lay there many years who never had been at a field meeting; and when thus forced to the hills, they were given out as designing a rebellion, and then pursued by armed men as traitors; many of them apprehended, some wounded, some killed, and multitudes put in close prisons, others tormented and sold as slaves; and women most barbarously used, stripped naked, their clothes taken away, and left in that condition in the open fields. And when their patient bearing of all had the more exasperated their persecutors, the Highland host was sent among them, whose cruelties and horrid abuses were too villanous and shameful to be named by any Christian, or a man who must own himself a countryman of such who committed them, or of those by whom they were authorised." He further observes, "That an act of favour by the king to his presbyterian subjects, was suppressed by the bishops, and instead of that a proclamation emitted, declaring it treason to have arms at field-meetings: and after all they had met with, he falls in with the earl of Shaftsbury's remark, that it was a greater wonder they had borne so long, than that now they were in arms for their own defence. And then asks his friend some very home questions as to his joining with the king's host, though there be a proclamation for it, contrary to law, and the king's coronation oath, as well as opposite to the king's own declared intentions of clemency." He represents, "that the king of France never imposed officers upon his nobility and gentry, and exposes the council's making very mean persons, never before soldiers, cornets of troops, wherein the earl of Lothian, earl of Dalhousie, viscount of Oxenford, lords Torphichen, Balmerinoch, &c. ride troopers, and where the duke of Buccleugh can, according to the proclamation, pretend no higher than the right hand of the first rank." The matter is summed up in short. "The bishops have helped the duke of Lauderdale, and therefore the whole nobility and gentry in the kingdom must serve their interests, when he is the king's minion: and he lays it down as a rule, that he is the best friend to his king, that is, the best friend to his country, and laws and liberties thereof; and shows, that as the prelates of England had of late cast the balance in parliament against the exclusion of a papist, and in behalf of the impeached lords; so in Scotland, since their being set up, they had been the great promoters of arbitrary power and oppression: and presbytery must of necessity, and in its very nature, be the greatest bulwark against popery, the total extirpation of which is he great thing every honest man should be set upon." These heads and several others are very handsomely enlarged upon, and this letter being pretty long, and never published that I know of, and writ, as I have ground to think, by a masterly hand, I believe it will be acceptable to the reader to find it below.*

---

*Letter, June 7th, 1679. *Advice to a gentleman going to the army.*

Opportunity is the life of action, without which the deepest and most subtilly devised counsels prove abortive. Statesmen know, that for all designs, which otherwise might be startled at, there is no opportunity comparable to that of sudden emergents, whether happy or unhappy, if they appear of any great concern: for men's spirits, by those being set aloft, and so rendered unwary and inadvertent, fair pretexts are then

They send orders to the militia, companies of horse and foot, to meet at the times underwritten. These in Haddington, Berwick, Linlithgow, Peebles, and 1679.

likely to take, if ever; because at such times, men have not, or take not leisure to search to the bottom of things, or to consider them on all sides, and according to all their present and future importance. A recent instance of this, are several grants of the parliaments, both of Scotland and England, to his present majesty, upon the happy and amazing surprisal of his restoration, which neither he, nor king Charles I., nor yet king James his fifty years' peaceable reign, though all assisted with very wise and politic counsellors and profound devices, could ever be able to work out, till that opportune juncture had made way for them. Of which I shall only say, that I wish they may prove as effectually beneficial for the true and lasting interest of his majesty and his kingdoms, as I am bound in charity to suppose they were affectionately meant for the good of both. To apply this to our present commotions: though I cannot positively charge those who are at the helm, of any underhand contrivance, or certainly conclude the same from the outward appearance of their actings, it being possible that such important suddenties, as have now fallen out, may prompt them to over-reach themselves in their commands, as well as us in our, may be more zealous and forward, than well-advised and really dutiful obedience: but, as long ago it was told me, by a witness, of a certain great man's behaviour at the engagement, *anno* 1648, that he would not say, for all the world, that he had betrayed them, yet he could justly say, that if he had got a household of gold to betray them, he could have done no more; so I will not assert, with the church or state fanatics of this time, that our counsellors are really designing to introduce upon us, popery and arbitrary government, and are catching the advantage of the present confusions in prosecution thereof; but in reason I may say, that had they the most real and forward intention of so doing, they could hardly have fallen upon more likely and favourable courses, for that end, than some of those they are taking.

There is much talking of a popish plot, and if there be such a design of arbitrary power, it being also a work of darkness, that dares not assault us with open face, and meet to go in hands with the other, I may call it another plot, which must work underboard until hell be prepared to defend it. And these two proclamations, the one for volunteers, whereby all the papists in the kingdom are armed, and called out to the fields; and the other charging, under highest pains, the whole nobility, gentry and heritors to attend the army, under the command of officers appointed by the council, are like two mines sprung upon the chief bastions of our liberties and religion, and we, like fools, hear the noise, and gaze upon the smoke, but discern not, nor consider what it hath carried away with it. For my own part, to give you my judgment freely, as you have desired it; amongst all the grievances which we have been complaining so much of, these years by past, there are but few, that either better deserve the name, or are indeed of greater weight than this; neither know I any one step, whereby popery and arbitrary power have had occasion of making swifter progress towards their settlement amongst us, or whereby they have gained more ground of us, than by these two acts, however lightly regarded.

By the constitution of our government, we are not only ruled by laws, but also by customs, the obligation whereof is many times equivalent to that of our most positive laws: must it then be a custom, and consequently a law amongst us, that, to satisfy the humour or interest of a court favourite, we may be liable to most heavy burdens, and taxes upon our estates, to furnish him with power to oppress and crush all that will dare to oppose him? And notwithstanding that we bestow such large parts of our fortunes for the maintenance of soldiers for that end; yet, when by the long continuance and extremity of those oppressions, which were enough to make even the soberest and wisest men mad, he hath forced wars and disorders of the highest nature and consequence, it may be, designedly too, for ought that is seen, and as by no small politicians is reasonably alleged, we nevertheless must be obliged also to come out in person, with our lives in our hands, and serve as soldiers under such commanders, as the council, being mostly his creatures, think fit to appoint: wherein these things are noticeable, which gentlemen would do well in time seriously to consider, if they be indeed content that they go into a law, lest afterward they repent too late. That when we have granted never so large taxations for paying of soldiers, the council, without a parliament, or our own consents, may nevertheless command us to serve as soldiers ourselves, though it were but to uphold some particular interests amongst us, which, thus circumstantiate, will be found to be somewhat more than what either our old custom of waiting upon the king and his host with forty days' provision, or yet the la e offer of our parliament of all betwixt sixty and sixteen, do import. That they may impose commanders upon us, without or contrary to our choice or consent, whom if we offer to reclaim, we may be obliged upon our allegiance, to obey, as I hear they have done in the case of the gentlemen of East-Lothian. That they may so oblige us to serve under popish commanders, as they have done with East-Lothian, Kincardine, and Marshall's part of Aberdeen, even though there are so many standing acts of parliament against them, and albeit by a late proclamation they are all prohibited the wearing of arms. That those commanders thus forced upon us, shall have the power of nominating their own officers. And that, to all this slavery we may be subjected, without any foreign invasion, for the destruction of our fathers, children, brethren and kinsmen, perhaps for no other crime, than their standing to the just defence of their and our liberties, against the incroachments of some court parasites, or whatever else it be, that yet his majesty's will being pretended, or at whatsoever rate procured, it must be presumption in us, or somewhat worse to inquire further into the cause. And after all this, what is ours? and what privilege is there that we can lay claim to? If we will not think upon these things, when represented to us, nor lay to heart our great concernment in them; it may be said, without wronging us, that we deserve no less than all the slavery and

1679. Stirling Monday next the 9th instant. Those of Fife upon the 10th. Angus upon the 11th. That all have ten days' provision with them; and the militia troop of

misery, that by such preparatives are designed for us. Are all the nobility and gentry of Scotland content to settle this yoke upon us and our posterity? Must we be the degenerate successors of so noble and worthy progenitors, by yielding, without a testimony, those liberties, which, with such pains and care, they retained through a tract of so many ages, and transmitted entire into our hands? Were we born to be the betrayers or sellers of our own and our successors' birth-rights? and so to be marked as the perpetual shame and opprobry of the history of our nation, unto the end of the world?

As our readiness to serve our kings, to obey their just laws, and to defend their persons with our lives and fortunes, hath long time been no small part of the glory of our nation; so hath no less been the native courage, and resolute boldness of our ancestors in resisting, and opposing to their face, such flatterers, as, preying upon the goodness of their prince, have at any time, by misrepresentations of persons and affairs, endeavoured to abuse his authority, by forcing or insinuating upon his faithful subjects, customs different from, or contrary to their settled laws, or derogatory to the honour, and opposite to the true interest of king and kingdom. The cabal, who, it seems, knew well enough that their counsels would never be proof either of law or reason, and so behoved only to be propagated by authority and force, had good reason to obtrude upon the late parliament of England, that test, whereby they were to declare upon oath, that it was unlawful to resist with arms, any person acting by the king's authority, which they, seeing the project, and foreseeing the event, found no less reasonable, for the good both of king and country, unanimously to reject. For to say, that no man acting by the king's authority ought to be resisted, is all one as to say, that it is impossible that kings can be abused; and all one as to say, that if a wicked minister design the ruin both of king and kingdom, under colour and pretext of authority, it is unlawful to hinder him, though it were in our power. If Haman's plot had taken effect before Esther's access to the king, who will judge it to have been a crime, though the Jews had stood to their own defence, until such time, as his treachery, their innocence, and the king's damage had been represented? though God in his mercy and justice provided a better outgate for them, and a worse end for him; a dreadful example, and which ought to strike with horror all abusers of their king's favour and authority. He deserveth that a tyrant should reign over him, and is not worthy of the protection of a lawful prince, that will not cheerfully hazard his life and fortune for the defence of his person, honour, and just laws. But what if the king's name be made use of, to acts manifestly contrary to his interest in all these, and which, it may be, every reasonable man, and loyal subject is bound in duty to believe, his majesty would abhor, if impartially consulted in them? If this be not impossible, I hope our next parliament will see to it, and consider what the former hath done; and till then, before you engage yourself too deep in the cause, you have good reason to examine, both what are the true causes of these poor people's appearing in arms, and what they would be at; and if they be oppressed contrary to justice, or demand not unreasonable things, you would think, what may become of you and us all when they are broken.

They say, the devil should have his due; and to deal no worse with the presbyterians, though they were as bad as he, I must confess, that never a people on earth were dealt more hardly, or more unreasonably with than they. They stand upon a scruple of conscience, that they must have no meddling with the bishops, and that both by scripture, and their solemn oath to God, which they think no man can dispense with, together with an opinion of more sensible benefit to their souls, they are bound to hear none other than those of their own way; which being granted them, as it was once the utmost of their aim, so, no doubt, would have, as absolutely secured them to peace, and obedience to magistrates, as any other subjects whatsoever: but this not being allowed them, they, for avoiding public offence and the reach of the law, assembled themselves privately in houses for hearing their preachers; which, albeit the same be done openly, and without either challenge or punishment, in England and Ireland, yet here was looked upon, as so notorious a crime, that strict and most severe acts were immediately issued forth, and the poor people hunted from house to house, apprehended, imprisoned, some in close prisons, some tortured for procuring confessions from them, some weak or sickly persons blocked up, till they died in prison, others fined in great sums of money, some whereof paid again and again, to the great diminishing of their fortunes, and detriment of their posterity, others not paying were kept still in prison, some whereof have been prisoners many years bypast, and are yet so, who never saw a field-conventicle. Thus they were constrained to betake themselves to the hills and deserts in the fields, for shunning of these severities, for which they were more cried out upon than ever, as persons not only disobedient to the king's laws, but designing a rebellion against his person and authority by these field-meetings. They, like so many Roman vindicators of their liberties and rights, knew that desperate diseases required desperate remedies, and therefore thought no hazard too great for them to undergo, for preventing the bondage threatened against them and their posterity; while we, like so many asses, crouch under the burden. He must see to his freedom, he to his life, he to his fortune: and though our endeavours in those methods befool us never so often, yet we will sit still and see the public interest sink, rather than think of another way. If our wounds will not cure without pain, we will let them rot upon us: But behold the end of this sure dealing, of this thin-skinned and effeminate tenderness. Fie upon it! it looks as if this generation were made for no other end but to be trampled upon, then destroyed, and well to deserve both. Upon this head, the then armless multitude was pursued from hill to hill, as so many traitors; armed men sent against them, by whom many of them were apprehended, some wounded, some killed, some imprisoned in close prisons, some tormented, some sold as slaves to foreign plantations, though, by the providence of God, delivered in a strange way, to the shame of their enemies. Some of this

Edinburgh to-morrow on the Links of Leith, and the foot on the 5th instant. At their afternoon's sederunt, they send a letter to Lauderdale, together with 1679.

women, both old and young, most barbarously used, being stripped naked by the rude soldiers, their clothes carried away, and they left in that destitute condition in the open fields. And as if all this their patient suffering, had served for no other end, but to incense their adversaries' fury and implacable malice the more against them, as a more eminent proof of their despite at them, they raised a great army, with a sumptuous train of ammunition and artillery, to fight against the very wind of the west country, as carrying alongst with it an infectious presbyterian air, whereby other places might be endangered; for the poor people in the meanwhile were all sitting peaceably in their houses. This their host mainly consisted of barbarous Highlanders, by whom, like as many savages, cruelties, oppressions, plunders, and other horrid abuses were exercised upon them, too great, villanous, and shameful to be named, by any man who owns himself a countryman of those who committed them, or of those state ministers by whom they were authorized. In the meantime, by an act of non-addresses, and another of intercommuning, whereby it is unlawful for the son to give a bit of bread, or to speak to his father, or the wife to her husband, though lying starving at their doors, all access by supplication, or otherwise, either by themselves or their friends, being cut off from them, either to his majesty or his council; and whatever acts of grace his majesty was pleased to send in their favours, the same being either so minced and clogged, or wholly suppressed by the means and power of the bishops in the council, that they were altogether deprived of the benefit thereof, as was done with a late order from his majesty, for liberty to them to preach in houses: and after all this, a proclamation being emitted, whereby it is declared treason for them to be found at those meetings with any arms, and the standing forces having received orders of fire and sword against all that should withstand them; which being put in execution by captain Graham of Claverhouse, to the effusion of much blood, and the same measure being declaredly appointed for the whole remainder of that party; let any sober and disinterested man judge, if, with that wise and honourable counsellor the earl of Shaftsbury, it may not rather be thought a miraculous work of God, that these people, having the hearts of men in them, should have sitten and suffered so much and so long; than be thought strange, that now at length they appear in arms for their own defence from such utter and imminent ruin; or yet strange, that such numbers should flow in to them at such a nick of time, when both those of our own nobility and gentry, who have so much endeavoured to represent to, and convince his majesty of our grievances, have, by the forgeries and insinuations of evil counsellors, been so often, and yet are, not only totally frustrated, but slightingly and misregardfully treated, as persons opposite to his majesty's interest and designs: and also by proroguing of the English parliament, men's hopes of help and safety, either for liberty or religion, so universally fail them, and the succession of the crown, as well here as there, is so likely to be devolved upon a known and avowed papist.

Are you willing, then, to bestow your assistance, for completing the sum of all these oppressions? Or do you think that your loyalty engageth you so to do? Yet before you go, I would have you answer me seriously these two or three questions. Are you sure that your loyalty would fortify you to suffer patiently all those things, if the burden were on your own shoulders? Have all these arguments, that you are so well furnished with, against implicit faith to churchmen in church affairs, no proportionate weight at all against implicit faith to statesmen in state affairs? Or can you not say that the streams are muddy, unless you conclude the fountain to be so also? Who had greater respect to the king's honour, interest, and laws, those, that without the conditions required by the law, in obedience to the act of council, found caution of lawborrows for his majesty's safety? or they, who in obedience to law, reason, conscience, and their allegiance to their prince, did altogether refuse it, both as a thing wherein the law could not be answered, and which they found exceeding derogatory to his majesty's honour, dignity, and sovereign authority, which our allegiance obligeth us, 'with our lives and fortunes, to the uttermost of our power, constantly and faithfully to maintain, defend and advance against all and whatsoever persons, power, or estates, who shall presume in any ways to prejudge, hurt, or impair the same?' James VI. parliament 18th, chapter 1st. In which, by the way, it is worth the noticing how miserably those patrons of supremacy, those champions of the arbitrary letter law overreached and faltered themselves, by this their notable legal invention for supplying the room, and saving the credit of their illegal bond, in that, while they are contending so much to exalt the king above the law, they, in the meanwhile, not only make him a supplicant and demeaner of himself to the law, but subject him to so mean and humble a degree of necessity of supplicating, a degree so far unsuitable to a supreme governor over all persons, and in all causes, that not only he is the first of all kings, that ever was made, by his own counsellors, to stoop so low, and like to be the last; but, even amongst his own subjects, there are many thousands, that would think it very far below them to lawborrows of such as his majesty, at least his council declareth him ready to take by that act, yea, who have so much honour to maintain, as would make them disdain the very thought of such a practice. We may judge then what a shift our council hath been put to for a colour of law to their actings, when they behoved to make this their choice: Now this was a proclamation and act of council, yet how contradictory, both to the true honour and interest of the king's majesty, and to those fundamental standing laws, whereby our whole representatives have unanimously bound themselves and us, and their and our successors to the perpetual and unalterable maintenance of both, is evident to all that will not wilfully shut their eyes. Is it for us then, to take upon trust our king's mind, honour, or interest from such lawgivers? Or if we do, may we not afterward be found as culpable in obeying, as they in commanding. If this prevail not, con-

1679. Claverhouse, and my lord Ross their letters, which I have insert, † that the reader may have the accounts sent in by the army, and observe the plain mis-

sider but these heads of the oath of coronation, wherewith, and whereupon our kings receive the crown of this kingdom, 'that they shall rule the people committed to their charge, according to the honourable laws and constitutions received in this realm; that they shall procure to the uttermost of their power, to the kirk of God, and haill christian people, true and perfect peace in all time coming; that they shall forbid and repress, in all estates and degrees, reist, oppression and all kind of wrong; that in all judgments, they shall command and procure, that justice and equity be kept to all creatures without exception, as the Lord and Father of all mercies be merciful to them.' James VI. parl. 1, cap. 8. Think then how deep it may draw upon their score, not only before God, but before man, who presume to take upon them to advise or persuade his majesty to act, or to act themselves under colour of his authority, things manifestly contrary and repugnant to this solemn oath of God, and chief fundamental law of our nation; and of what fatal consequence it may afterwards prove, not only to them, but also to their abettors, aiders, encouragers in such wicked unlawful counsels and practices; at least, if ever Scotland be so happy as to return again to the unbiassed right use of law, reason or conscience; and yet more especially, when, to the conviction of all men, our king is of himself so naturally propense and inclinable to all ways of justice and clemency.

It is known, that his majesty, at his restoration, declared himself resolved not to alter the government of the church then established. It is known, that of late also, a plenary and universal indulgence was granted by him, in favours of the nonconformists. These are the native effects of our king's inclination, goodness and clemency, by either of which all these imminent mischiefs might have been prevented. Who then were the obstructors? Ought they not now rather to be searched for, looked upon, and dealt with as the greatest enemies of king, people and government, than assisted in the prosecution of such pernicious counsels as have occasioned so unhappy and so unseasonable a breach in our peace and safety? Shall I ever believe that his majesty, who, of his own nature, is so wise, and so just a pattern of civility and obligingness, and who ruleth by compact betwixt him and his lieges, would ever have forced commanders upon the nobility and gentry? especially at a time, when it appears, he needeth so much their service, and they are so willing to bestow it. When the French king, who hath no other law for his actings but his own will, yet doth not so much as propose any officer to the gentry, when he calleth them forth, but remitteth that matter wholly to lot. Can it be supposed, that his majesty, whose life, honour and kingdoms are so hunted for, by plot after plot of these bloody emissaries of Satan, the papists, the greatest and most insolent enemies of monarchy, and the most incurable plague and bane of all human society, and who therefore commanded lately his proclamation to be issued forth, for apprehending or banishing many, and wholly disarming all of them within all the corners of the land, would ever not only have restored to them the power of their arms, but have put great numbers of his faithful and honourable protestant subjects under some of their commands? Can any man think it his majesty's will, that bailie Baird's son, who was never a soldier, should be cornet of a troop where the earl of Lothian, earl of Dalhousy, viscount of Oxenford, lord Torphichen, Balmerino, &c. are to ride as troopers, and where his grace the duke of Buccleugh, when he arrives, can, according to the proclamation, pretend no higher than the right hand of the first rank? And since we have such ground to doubt of these, and it is so well known, that his majesty did not of himself intrude bishops upon us, but only, by the selfish treachery of some who were employed to secure us from them, he was persuaded, and made to believe, that that government would best agree with us: who, in reason, can, or ought to imagine that it proceedeth from his majesty, that his subjects of his three kingdoms should be engaged in blood, wars and devastation of their fortunes, whereby they may be rendered a prey to foreign enemies and lurking papists, and unfit to serve his majesty in a more necessary cause, and of far greater concern to king and kingdoms, with the uncertainty of what further ruin these evils may grow to, rather than part now with that government of the church, when he sees how far he hath been misinformed concerning it? His majesty's, both mind and true interest being thus cleared, this then, in plain terms, as a consequence clear enough of itself, must be the true state of the affair. Duke Lauderdale is obliged to the bishops, they helped well to uphold him when he was tottering, and yet help him, and therefore we must uphold them, though we should all fall in the quarrel. Is the cause then sufficient? Can you take your life in your hand, and securely rest your conscience upon it? Though you could, are you sure that his gain shall be yours? And, pray, whether was it interest or conscience, that made that statesman, when he was last amongst us, endeavour so much to have struck in with the presbyterian party, those rebels against the king and government, when he saw them growing so fast, and so difficult to be borne down? which likely had taken effect, if he had not been checked in the bridle at his first starting aside, and so behoved to renew his engagements, with fresh and evident testimonies of his reality, not finding it fit to unhinge himself of the one party, while he was yet unsure of the other.

If this then be the sum of the matter, that the bishops serve duke Lauderdale's interest, and we therefore must serve the bishops' interest at any rate, lest otherwise we should seem weary of being tread upon; all I can say is, that captain Carstairs, bailie Carmichael, the town-major and his men, are like to come to no small credit by so noble and numerous a train of assessors, as the whole nobility and gentry of Scotland. However, on some accounts, they must yield to them the preeminence, those only having the advantage of profit for their service, being mercenary rogues, and having others also under them to wait their commands, while these have the honour to testify their zeal, by far greater condescendency of serving under com-

takes in matters of fact, that through haste and misinformation the council run into.

They say, the Rutherglen declaration traitorously asserts the king to be an 1679.

mand, and some under those they hate, some under those that hate them, some under insignificant green-horns, and others under worse than some that are, or have been their hired servants, and all this not only gratis, but to their great expense, and with the exposing of their lives and fortunes. If you think this honourable for you, you may be doing as much, and as silent as any, albeit on all the forenamed grounds you have so just and handsome a way to retreat: if not, I freely give you my advice, that, as I doubt not but you will both be as forward and cordial as any man, in testifying your affection for the real maintenance of his majesty's authority; so, if you find not yourself indeed concerned to give proof of it in this quarrel, you disengage yourself in time; or if otherwise, that yet you go not out, nor do any thing without a protestation of *salvo jure*, upon the forementioned accounts, that, by a bad preparative, you be not the occasion of an irreparable damage to your country; which, at such a time, were I of one of those shires that are called out, you may believe me, I would think it my duty and honour to do, though with the greatest hazard, and though there were not another to second me. When the public interest is like to suffer, by the ignorance, neglect or cowardice of all, he merits double glory, making all his nation, and all their posterity his debtors, who steppeth in at such a nick of extreme need, with opportune help and assistance.

Take courage then, and regard not the clamour of court sycophants, who live upon their country's ruin, and will be crying down such heroic acts, as opposite and prejudicial to his majesty's authority. But be you confident, that it shall always, at long run, be found and seen, that he is the best friend to his king, that is the best friend to his country, and to the laws and liberties thereof, which both king and parliament have declared to be the birth-right and inheritance of the subject, and the security of their lives and fortunes, Charles II. parl. 1. act 17. and that these two interests are as individable in the body politic, as are those of the head and the body natural. For what is further, consult the scripture and your conscience, and be fully persuaded in your own mind. For me you know, how much, and how often I have contended for episcopacy: but now I, have considered their partial behaviour in the matter of Danby and the lords in the Tower, those arch enemies of our king and government. I see them both there and here so knit to the bias of the court, that they will rather sell their souls, and the whole interests of the kingdom, than not swing to that side right or wrong. I see them generally to be men altogether set upon their own profit and advancement, and that, when once they can make their court well, they little mind religion, or the care of souls. I see they take no effectual course for curbing of profanity, and that, if a man will but stand for their grandeur and revenues, they easily dispense with his being otherwise what he will. I see, that almost any scandalous fellow that will own them, and hath but an M before his name, may have a kirk; too many whereof I know, and more here than with you. I have considered bishop Sharp, as their head and last introducer, whose reward hath been terrible in the justice of God, whatever the actors have been. And I have considered bishop Paterson as the tail, whose reward is no doubt waiting him also, if he mend not his manners. I have not forgot their cruel, arrogant and blood-thirsty stopping of his majesty's gracious bounty, and keeping up of his remission after the business of Pentland, which, with their torturing and hanging of the poor people, after quarters given them in the fields by general Dalziel, as it was a singular reward to him for his good service done them, so may it, to all honest hearts, be as palpable, as it is an odd example of their faith and manners. I see the very off-scourings of the earth employed by them, as their trustees and heroes, for propagating of their conformity, and some of them, though base all over, and despicable above all expression, yet owned and caressed by them, as brave fellows, and chief promoters of their principles and interest: yea, so little choice make they on this head, whether as to profanity, popery, atheism, or what else you can think on, that, for ought that appears, as many devils out of hell would be welcome to them, to prop their dagon of prelacy, and to be a scourge to the fanatics. I see, force and the rigour of the law are their two grand pillars, the Jachin and Boaz of their temple; and that their whole power, interest and endeavours are so jointly and entirely bestowed upon the suppressing of conventicles, and for hindering the preaching of the gospel, by those of the nonconformist party, which renders it to me dreadfully suspicious, that their cause must be but so and so, when themselves judge it the main support and security thereof, that it never come to a fair hearing; for the truth is, they reckon themselves undone, if ever the people get leave to hear these men. I see, most of them look either with affection or indifferency upon popery, that the papists themselves favour them more than any other government, that by their slackness in prosecuting them, they are the occasion of much evil to these lands; and that they give much life to all their mischievous plots, by the hope they find of yet ascending up on that step of their hierarchy remaining amongst us. Whereas, on the other hand, it cannot but be acknowledged by all, that be presbytery else what it will, it is certainly the best remedy against popery in the world; the total rooting out whereof amongst us, now after the discoveries we have, ought, on many accounts, to be esteemed the grand interest, wherein the power, wit and endeavours of every good subject, every good countryman, and every good Christian should terminate. And, in fine, since to all this may be added, the fatal consequences of the former establishment of bishops amongst us, with the appearance of what is like to be the end of the present; and that our nation hath drunk in such an inbred and indelible prejudice against them, that though these fourteen men, were as many saints, neither can much good be expected from them, under that character, in this place, nor yet they ever long settled without blood and confusion. I wish only the presbyterians would give some pithy and incontrovertible testimony of their real affection to his majesty their lawful sovereign, and to the true line, in so far as by popery

1679. usurper. This is a consequence of their own framing, from an expression in the declaration, which to me appears to relate not to the king's right and claim to the government, but the exercise of an usurped power in setting up anniversary days, and destroying the interests of the church. But they wire-draw expressions to expose the people now in arms, whereas we shall see, that the bulk of those gathered at this time, were far from denying the king's authority. It is yet a greater mistake, when they say, that Mr John King and three others were seized by Claverhouse in Strathaven, whereas they were taken at Hamilton. Besides, their numbers were very far from fifteen or sixteen hundred, as the council represents them. I much doubt if there were yet the third part of these in arms. One needs not be surprised at the gross blunders the English historians fall into, when narratives from the council contain so many misrepresentations. That same day they ordain the regiment of Edinburgh to rendezvous to-morrow, and order the magistrates there to take and grant receipts for all the cannon they can meet with in cellars, or elsewhere in Leith, for the security of

---

it is not interrupted; with such a proof of their abhorrence of episcopacy, as may make them take up an antipathy at their prelatical way of having *no sooner* power in their hands, but instantly, with *oaths*, declarations, and bonds, flying like as many wild cats, in the throat of our consciences; and that they, presbyterians, would rather take a more gospel way of instructing and persuading us in love and meekness, and in patience wait, till by the use of means, and their affectionate carriage towards us, we be won to the discerning and persuasion of those things, that are not fundamentals, wherein we differ, and may the king's majesty say, Amen. Then welcome presbytery, unity, and peace; and farewell to confusion, schism, prelacy and popery for ever.

† *Council's letter to Lauderdale, June 3rd*, 1679.

May it please your grace,

Upon Thursday last, the 29th of May, a company of rebels came to Rutherglen, and there proclaimed the covenant, and burned the acts of parliament asserting his majesty's supremacy and prerogative, the act rescissory, the act establishing episcopacy, and appointing the 29th of May an anniversary thanksgiving for his majesty's birth and return, affixing an infamous declaration to the market cross there, wherein they most traitorously assert our gracious and rightful sovereign to be an usurper, as your grace will see more fully in the double of that treasonable paper herewith sent, and they intended to have done the same at Glasgow, had not Claverhouse his unexpected arrival there, with his troop and company of dragoons, luckily prevented them. Saturday last, at night, Claverhouse went to Rutherglen to discover and apprehend those insolent rebels, and did seize three of them, together with an intercommuned preacher, named King, in or about Strathaven, and on Sunday's morning, went in quest of field conventicles, and was not long in descrying one which proved indeed a rendezvous of rebellion, as will appear by his letter herewith sent, directed to the major-general. Monday, the committee of the council met (before the receipt of the inclosed from Claverhouse) by two o'clock in the morning, and by the major-general's consent, resolved that all the forces should be immediately called, and ordered to join together for pursuing of those rebels; which was immediately done, and the forces which were at Teviotdale, are, and will be here this night; these in Dumfries may be here to-morrow, and these in Fife will be this night at Stirling, and the major-general (who hath upon this occasion been very vigilant) will, by four o'clock to-morrow morning, with all the forces here, march towards Glasgow, to join those which are now there commanded by the lord Ross, and the rather, that the rebels having, by their numbers, overpowered Claverhouse and his party, and lodged that night in Hamilton, were so bold and daring, as, yesterday at eleven o'clock in the forenoon, to assault the lord Ross, and the party commanded by him, in the very town of Glasgow, whence they were repulsed in manner mentioned in a letter from the lord Ross herewith sent. Their number is credibly informed to be fifteen or sixteen hundred, and that many flock in to them from several corners. Upon advertisement from the committee, we have this day met, not suffering our eyes to sleep till we came here to consult what was necessary to be done by us upon this occasion, and accordingly we have emitted the proclamation herewith sent, and called out the assistance of the militia in the shires of East and Mid-Lothians, Fife, Peebles, Stirling, Berwick, Perth, and Angus; and as the militia in Mid-Lothian will be ready in a day or two, so we hope the militia in all the other shires shall be in readiness by the middle of the next week to join his majesty's standing forces, if need be, for suppressing of this insolent and mad rebellion. We have ordered the town of Edinburgh to draw out their militia to-morrow, for the more effectual securing of this place, and nothing shall be omitted by us, which may contribute towards the quenching of this flame, and for reducing of the furious rebels; for this we shall not fail to stay together here, for consulting fit and proper methods for doing hereof, and for asserting his majesty's authority and government, against all attempts which may be made by any whatsoever against it, and we shall not fail, from time to time, to give your grace advertisements, to be communicated to his sacred majesty, of what passeth here concerning those rebels, and our endeavours for suppressing their insolence, as becometh.

May it please your grace,

Your grace's most humble servants.

the town and the king's service: and that some of the bailies attend at Leith, and examine all persons passing the ferry at tide-times, and imprison such as cannot give account of themselves. Further, the laird of Lundin, governor of the castle, is appointed to call for smiths, wrights, and others his majesty's servants, to work in the castle as he sees necessary; and they grant him warrant to take all manner of provisions necessary for the castle, where he can find them, and give receipts, upon which the lords of the treasury are to pay the owners at the ordinary prices.

June 4th, The council give orders, that after the muster is over this day, one company of the militia keep guard in the Canongate tolbooth, and another in the Abbey, and that the whole regiment be ready to draw together upon the tuck of drum; and that the magistrates of Edinburgh make trial what powder is lately sent out of town, and to whom, and secure all the powder in town, and place it in the castle.

To return to the proceedings of the army after the attempt upon Glasgow, my lord Ross, and the rest of the officers of the king's forces there, finding the gathering of the country people growing, and expecting every day considerable numbers to be added to them, and not reckoning themselves able to stand out a second attack, found it advisable to retire eastward. Accordingly, June 3rd, they marched bag and baggage to Kilsyth, carrying some of the wounded country men, who fell into their hands, with them in carts: next day, when near Falkirk, they received the council's orders to stop, till the earl of Linlithgow's regiment, and other forces from Stirling and other places, joined them, and then to march back all in a body to the west country.

The motions of the forces will best appear from the letters which I meet with in the council registers from and to the earl of Linlithgow. June 5th, the earl writes to the chancellor, "That he intended to have marched with the forces to Stirling that morning, but being informed, that the rebels are marched to Glasgow, upon my lord Ross his removal thence, he found it proper to order him with his whole party to join him at the bridge of Bonny to-morrow morning; upon this consideration, that 1679. if they had gone to Stirling, the rebels might have marched straight to Edinburgh before he could have reached them." He adds, "They are said to be very strong, and rogues flocking to them from all hands." The council in theirs to him, thank him for his care; acquaint him the companies from Dumfries are come to Lintoun, and shall, as soon as they arrive, be sent up to him, with such of the militia as can be spared. They desire him to send them accounts every day. June 6th, the earl acquaints the chancellor, "That he had joined my lord Ross and the forces with him at Larbert-muir, where they had information from Glasgow, that the rebels were about Bothwell-bridge and Hamilton, where they did exercise yesterday all day; that two troops of horse from Galloway, Newmills, and Galston, and a company of foot with colours and drums had joined them; that, when come to the Holly-bush, he received intelligence from the magistrates of Glasgow, that the rebels continued where they were, and were in number about seven thousand. Since he hears, they are to march to Loudonhill; and the country are still gathering to them. That he can come to no resolution till he get further intelligence; and is just now sending two soldiers in disguise to go to them, and looking after some country people who may be trusted to send among them, to bring him intelligence." The council in their answer acquaint the earl, that they have sent up to him some more forces, that, instead of the militia, they have ordered the heritors to come out on horseback; and conclude with their assurance of his vigilance and care.

That night about eight of the clock the council meet upon another letter from the major-general, dated Kirkintilloch one of the clock, bearing, "That yesterday they marched to Kilsyth, whence they came this day hither, where certain advice came of the rebels' strength, about 8000 foot and horse, if not more." He adds, "and being apprehensive of the dangerous consequences which may follow to his majesty's service, if we should engage mad zealots, with such unequal numbers, the whole officers, upon

1679. deliberation, are of opinion, that it is not safe to advance nearer the enemy, and conceive it best to retire to Stirling, to refresh our wearied men, and expect such as the council shall see needful to order up to us, that we may be able to make head against the rebels." He gives this as the opinion of all the officers, and moves that his majesty be acquainted, and besought to send down forces from England; but submits all to the council; and promises, if they order them, to march, either to Edinburgh or against the rebels, be their numbers what they will. The council in their return approve of their retiring, and recommend it to them to come in to Edinburgh, and send an express to Stirling, that the governor look well to the safety of that place. At the same time they send an express to Lauderdale, with the letter from the earl of Linlithgow, and one from themselves, bearing what is above; and further, "That they had called together the foot militia in Roxburgh, Selkirk, Kincardine, Aberdeen, Bamff, Ross, Elgin, Forres, and Nairn; and in place of the militia horse, by a proclamation (already noticed) they had ordered all the heritors in the several shires, with their servants and followers, whom they are able to bring out on horseback, to rendezvous." They add, "but after all, we dare not conclude his majesty may trust to this as a sufficient force to quench this violent flame, and therefore desire forces from England and Ireland."

June 7th, The earl of Linlithgow writes to the chancellor, "That, according to the council's orders, he is on his march to Linlithgow, desires directions where to quarter his men, and tells him Stirling is in a good condition." The council in their return, refer the quartering of the soldiers about Edinburgh to himself, and desire he may leave some parties of horse to the westward of Edinburgh, and be careful to get intelligence, and that he, and all the counsellors with him, may be present at the meeting of council to-morrow at six afternoon. Obedience to this was given; the army continued about Edinburgh, till the 16th, when they began to march westward against the people at Bothwell, as we shall afterwards hear.

I need not take up much more room with the procedure of the council at this juncture: we have seen their most material steps. I shall only notice that June 5th, after the publishing the proclamation about raising the militia, they order the militia regiment of Mid-Lothian, to quarter at Leith; that the militia in the northern shires rendezvous on the 17th, and write to the earls Marshall, Errol and Kintore, to come to Edinburgh with all speed. Upon the 6th, they write to the earl of Queensberry, to call together the haill gentlemen, heritors, and freeholders in the shire of Dumfries, with as many servants and followers as they can bring out on horse with arms, and march straight to Edinburgh. The like appointment is given to the earl of Nithsdale, for Wigton and Kirkcudbright. And June 7th, they require the earl of Argyle to come with his friends, and join the king's army. I have insert their letter.* And another of the same nature is writ to the earl of Caithness, desiring him to be at Stirling by the 14th instant. June 8th, all the militia regiments on the south of Forth are appointed to rendezvous at Leith as soon as possible, and those benorth it, at Stirling. That same day they appoint an oath to be administered to the militia by the following act. "The lords of council, considering how necessary it is to secure the town of Edinburgh from all attempts of the rebels, do ordain the

---

* *Council's Letter to Argyle, June 9th.* 1679.

My lord,

The fanatics in the west and other places having formed themselves into a dangerous rebellion, whose numbers and force do daily increase, we have thought fit to desire your lordship may, with the greatest expedition your circumstances can allow, disentangle yourself from your expedition, for which you are commissionated against the rebellious people in the Highlands, to the end your lordship may, with the greatest diligence you can, repair to the king's host, and to join the forces under the command of the earl of Linlithgow, with your friends, vassals, servants and followers, well appointed and armed for assisting towards the oppression of this treasonable insurrection. We doubt not of your lordship's readiness, upon all occasions, to give commendable proofs of your loyalty and duty to his sacred majesty, and you cannot give a more signal testimony thereof, and of your zeal for the peace and happiness of this kingdom, than by a seasonable assistance against these rebels, and so we cannot but expect a cheerful and ready compliance from your lordship, with so just and necessary a desire. We are

Your lordship's affectionate friends.

magistrates of Edinburgh, to draw out tomorrow the militia regiment, and trainbands, and cause the haill officers enrol the soldiers under their command; and ordain the provost, as colonel, to administer to the officers and soldiers the following oath, 'That they shall be true and faithful to the king, defend his authority, and maintain the same against this insurrection and rebellion, and all others, if any shall happen, with the hazard of their lives and fortunes.' And if any shall refuse this oath, he be presently disarmed, secured, and notice given to the council." This is one of the plainest oaths imposed in this reign.

June 9th, The council require the earl of Marr to secure the passages of the water of Forth, and seize all persons who pass the water with horses or arms, not having passes. That same diet they write to major Main, who with a troop of horse and five of dragoons, was at Alnwick, and ready to act against the rebels, desiring him to march to Kelso, and seize Frank Pringle of Rowiston, bailie of Kelso, John Brown, and James Handiside; and from thence to go to Jedburgh, and thence to Selkirk, where he should meet with a party of his majesty's forces with further orders. All boats are ordered to be secured at Queensferry and Blackness. And half a crown is appointed to be given to every foot soldier, besides his pay, for their present necessity. June 10th, upon information that some rebels infest the shire of Fife, the council send over a troop of horse, and some dragoons under the command of the laird of Meldrum; the chancellor is likewise desired to repair thither. The parishes about Edinburgh are ordered to bring ammunition for the king's army. Some hackney coach horses are to draw the artillery and sixty bolls of meal; and forty horses, to carry the meal for the use of the army, are to be provided. The master of Ross acquaints the council, by a letter read June 11th, that yesterday, near Selkirk, he met with a party of rebels of about 150, and defeated them, killed near 60, and took 10 near Galla water. Next day, the lord Elphinston acquaints the council, he had taken 33 rebels prisoners, who were coming from Fife, and the like number near Perth. This day they order the earl of Marr to gather as many Highland foot as may be, and bring them to Stirling-bridge. In the afternoon a flying packet comes to the council from the duke of Lauderdale with letters, wherein the king approves what they had done, and promises to send them assistance. I have insert the letter, dated June 9th.* June 13th, the council make a return to his grace, and give a short narrative of what had passed, which is added.† June 15th, 1679.

---

* *Lauderdale's letter to the Chancellor, June 9th, 1679.*

May it please your lordship,

His majesty having fully considered all the accounts sent to him by the two last flying packets, commands me to tell you, that he does heartily approve all that is already done by your lordships of his privy council, in issuing out that proclamation, in raising the militia, in commanding all noblemen, gentlemen, and heritors with their servants and followers, to attend the king's host, and in advising the major-general to bring back the forces to Edinburgh, as also, to assure the major-general, that his majesty is very well satisfied with his great diligence, care and conduct, for which the king returns him his thanks, as he does likewise to the lord Ross and Claverhouse, and will be very mindful of it upon all occasions. I cannot sufficiently express the obligations we have all to his majesty for his kindness to Scotland, which, as it has always been eminent, is signal upon this occasion, in which he is most careful of the peace of that kingdom, and of the honour of his council there: and since, in order to our further preservation, he resolves to assist you according to your desire, with forces both from England and Ireland, he recommends it to you, to endeavour to keep the rebels as much as possibly you can, within their own western shires, in which case, that you shun to engage them without seen advantage, till you get such supplies, as you will judge sufficient. It is also his majesty's pleasure, that on this occasion, wherein he is so much concerned, you take special notice of the fidelity and readiness of such as serve his majesty, and obey your orders in attending his host. His majesty recommends also to your special care, the supplying of the castle of Stirling with men and provisions, as a place which he knows to be of great importance, and may be supplied by water. It is expected that you send his majesty full and frequent accounts, by flying packets, or expresses, of what occurs from time to time, bearing particularly the motions and numbers of the rebels, with the names of their principal officers, the progress made in raising the militia, and journals of what passes amongst you, to be communicated to his majesty, at whose command this is signified by

May it please your lordship,
Your lordship's most humble,
And most faithful servant,
LAUDERDALE.

† *Council's letter to Lauderdale, June 13th, 1679.*

May it please your grace,

We are not able to express the joy with which

1679. they receive another letter from the duke, dated June 11th, acquainting them of the supplies coming to them, and that the duke of Monmouth was appointed general, which follows.* That same day they return an answer, wherein they pro-

---

we received your last by the flying packet, signifying the continuance of his majesty's care and concern for the peace and interest of this his ancient kingdom, and his kind acceptance and royal approbation of our services and endeavours for preserving his authority and government therein against the attempts of such, who, shaking off all fear of God, together with the grateful sense of their loyalty to his anointed, have here risen in rebellion. That his majesty may be acquainted with our diligence and assiduous endeavours in securing the kingdom, and in providing of all proper means for the suppressing of this insurrection, we have herewith transmitted to your grace the journal of this board, that therein he may perceive our frequent meetings, and incessant application for this end. We have taken care to supply the castle of Stirling with men, and to provide it with victual, and other necessaries competent for the security and defence thereof, and suitable to the importance of that place, according as his majesty, in his royal wisdom, hath well ordered. Beside his majesty's standing forces, the number whereof is well known to your grace, we have already here the militia regiments of Edinburgh, of Mid and East Lothians, and Berwick shires, which make upward of two thousand and five hundred; as also the gentlemen and heritors of the foresaid shires, amounting upwards of three hundred and twenty good horsemen, two militia regiments of Fife, one from Perth, and another from Angus, will be here to-morrow, besides the other militia regiment of Perth, with that of Stirlingshire, we have ordered to quarter at Stirling, which, together with three or four hundred raised by that town, we have judged sufficient for the security thereof. The heritors also of Fife, Perth and Angus will be presently ready to come and march with the host; as also the militia, and heritors in the more remote and northern shires, are making all possible haste for that same end, so that shortly we shall have a very considerable force to march against these rebels, which, by God's blessing, may give such an account of them, as may secure his majesty's government, our religion, and the peace of this kingdom, from the tragical effects of faction and schism, for many years to come. We are most sensible of his majesty's eminent kindness to Scotland, in declaring his royal resolutions to assist us with forces from England and Ireland upon this occasion, and crave leave by your lordship to offer our most humble acknowledgments for the signal expression of it. We have already invited the troop of horse, and the five companies of dragoons, under the command of major Main, to our assistance, who will this night quarter at Dalkeith, (and for the incalling whereof, we most earnestly desire his majesty may renew his warrant, and to give orders to them to continue with the forces of this kingdom, till this rebellion be crushed.) We have cause to hope well of the issue from so promising beginnings; for besides the loss the rebels sustained at Glasgow, whence they were shamefully repulsed, a considerable company of them are beaten by a party commanded by the master of Ross, whereof sixty were killed, and ten taken prisoners. As also a number of the rogues having gotten together in Fife, harassing and plundering that shire of horse and arms, were, at their going out of Fife towards the rebels, taken by a company of the earl of Murray's men, under the command of his stewart-depute in Down, by whom they were dissipated, severals wounded, and most of them taken, forty whereof are now prisoners in Stirling: and also many are now come from Perth, who were seized by the gentlemen of Strathern, among whom it is presumed, some of the murderers of the archbishop may be found. The design of these rebels was to have hindered and disappointed the rendezvouses of the militia and heritors in the shire of Fife; for which cause we allowed the lord chancellor, upon his own desire, to go thither, and use his best means for securing that shire, and for bringing the militia and heritors safely together, by whose happy endeavours, both the regiments of the militia and gentlemen in that shire will be here to-morrow, in order to their joining his majesty's other forces, for extinguishing this present flame. We shall also be careful to obey his majesty's commands, by taking special notice of the readiness and fidelity of such as obey orders in attending his host, and in sending frequent flying posts to acquaint him thereof, and of what occurs from time to time. The rebels continue still about Glasgow, Hamilton, Bothwell, Strathaven, &c. Their number is uncertain, increasing or decreasing by the coming or going of the rabble, so that we can give no certain or determinate account thereof; their officers are as uncertain as they are obscure, no commander of any note being heard of amongst them. The major-general will be careful to take such a course in pursuing of them, as may keep them up, as much as is possible, within their own western shires, which, with Teviotdale, are the principal seat and stock of this rebellion. As none can be more sensible of his majesty's tender care of Scotland, and kind acceptance of our endeavours, so none shall be more careful punctually to obey his royal commands, nor more ready, in his service, to venture their lives and fortunes, than your grace's most humble servants.

Rothes Chancellor,	Ross,
Douglas,	Belhaven,
Montrose,	James Fowlis,
Murray,	Kinnaird,
Linlithgow,	Ramsay,
Edinburgh,	Dalziel.

Postscript. We hope, by Sunday or Monday's morning at farthest, a very good army shall be ready to march from this, against the rebels, in very good heart and condition.

* *Lauderdale's letter to the chancellor, June 11th,* 1679.

May it please your lordship,

I am commanded by his majesty to acquaint you, that, in pursuance of his resolutions, to send supplies from hence to you, for suppressing the rebellion now amongst the fanatics in the west of Scotland, he hath ordered one regiment of foot to be presently embarked, to go by sea to

pose general Dalziel may be made lieutenant-general under the duke of Monmouth, and give some account of the present state of things. It is added below.*

Thus, from the registers, I have given as short an account as I could of the great diligence of the council at this juncture, and of the motions of the army, and have been the larger here, that we have yet no tolerable accounts of these matters. I do not enter upon the springs of the king's sending down his own natural son the duke of Buccleugh to be general. The English historians, who may be better depended 1679.

Berwick, together with cannon and ammunition sufficient; and his majesty has ordered two regiments of foot more, to be presently levied, the one to be commanded by the lord Cavendish, and the other by the lord Gray of Wark. As also three regiments of horse under the command of the duke of Monmouth, the duke of Albemarle, and the lord Gerard, together with eight hundred dragoons. There are likewise three troops of grenadiers, and these last are to march towards Scotland to-morrow. The king has also thought fit to name the duke of Monmouth general, to command all his forces, so long as his grace shall remain in Scotland. His majesty, by this expedition, will be at the charge of upwards of five hundred pounds sterling a day, which is more than one hundred and fifty thousand pounds sterling by year, if they continue so long. And seeing the king has so early provided for the preservation of his royal government, and your common safety, he has just reason to expect, that in the meantime you will bestow your utmost care and diligence, as far as is possible, to suppress that wild rebellion. His majesty presseth much, that frequent flying packets may be sent, at least every other day, that he may know all things that pass, and that they may bear large and exact accounts. All which, by his majesty's command, is signified to your lordship by,

My lord,

Your lordship's most humble,

And most faithful servant,

LAUDERDALE.

* *Letter from the council to Lauderdale, June 15th*, 1679.

May it please your grace,

As his majesty's care and concern for Scotland, so signally expressed in the supplies and assistance he intends for its relief, do exceedingly both surprise and encourage, so the unseasonable trouble and charge this rebellion occasioneth to him, creates a very just affliction to us; the humble and dutiful sense of both, we must beseech your grace, in our name, to offer to his majesty. The journals transmitted from this board will give his majesty an account of our uninterrupted care and endeavours for suppressing this insurrection, to which we have little to add, save, that yesterday the forces were drawn out, that they might be in the better order and readiness for their march to-morrow towards the enemy. The militia regiments, beside the standing forces, are of Fife and Berwickshires, of East and Mid Lothians, and that of Edinburgh, together with the heritors of the foresaid shires. One of the militia regiments of Fife came over yesterday, the other this day, to join the army to-morrow: as also one of the militia regiments of Perth, the other being commanded to Stirling, where also is the militia regiment of Stirlingshire, with the heritors. Here is also expected the militia regiment of Angus, which, with the heritors and gentlemen of Fife, Perth, and Angus, will, we trust, make a very considerable strength and force, by which, through God's help and blessing, this abominable rebellion may be broken and crushed. The forces march to-morrow towards the rebels, and as daily fresh supplies will be coming up to them, so we shall be vigilant and careful to send them suitable provisions, and we doubt not but the Almighty will give them such advantage against the enemy (without which they will be careful not to engage them) as may enable them to obtain the victory, and so to extinguish this present flame.

Since it hath pleased his majesty to appoint the duke of Monmouth to be general of the forces here, during the time of his grace's abode in Scotland, it was humbly proposed by the earl of Linlithgow, that his majesty may be pleased to establish general Dalziel lieutenant-general in this expedition, and that we might recommend him to the king for this effect, with which motion (his experience and fitness for such service being so well known) we have complied, and therefore desire your grace may be pleased to signify the same to his majesty, which we do with the most humble and absolute submission to his majesty's pleasure and disposal, as he, in his royal wisdom, shall judge most convenient for his service.

The rebels continue still about Glasgow, Bothwell, and Hamilton, and we can say nothing further of the numbers than we did in our last. We hear of no person of interest, conduct or quality to be amongst them. Their best and greatest officers being, Robert Hamilton, Balfour of Kinloch, Hackston of Rathillet, Barscob, Weir, Paton, and such other inconsiderable persons, whose mad zeal, broken condition and bloody fury have prompted and advanced to be the leaders of this tumultuary insurrection, so that we cannot doubt, but that in a short time his majesty's forces, by the blessing of God assisting their valour and conduct, will make them reach the just reward of their folly, in their utter overthrow and destruction.

We shall not be wanting in our assiduous and most vigilant care and endeavours for doing every thing in our power, which may contribute to the quashing and suppressing of this insurrection, whereof accounts shall be frequently transmitted to your grace, to be by you communicated to his majesty, from

May it please your grace,

Your grace's most humble servants

ROTHES Chancellor, STRATHMORE,
DOUGLAS, JOHN EDINBURGH,
MONTROSE, ROSS,
MARR, BELHAVEN,
MURRAY, DRUMMOND
WINTON, KINNAIRD.
LINLITHGOW,

1679. upon when giving what passed at London than in Scots affairs, tell us, that the marquis of Halifax, lord Essex, and Sunderland, continued in close friendship, and, with Sir William Temple, had for some time the first digesting of affairs in their hands. When Shaftsbury had got the management of the house of commons in his hand, the lord Sunderland moved that he should be brought into the council and the direction of affairs: this Sir William Temple opposed; but the other three prevailed, and he was some time before this brought in, kept close with the duke of Monmouth, in opposition to the duke of York; and when these two were like to engross the king to themselves, the other four kept the more unite, and got the parliament dissolved, and, to satisfy the clamour in England against the duke of Lauderdale, and smooth matters against a new parliament met, endeavoured the duke's removal, or at least the admission of some other Scots peers to their affairs. Thus matters stood, when it came to be considered what was proper to be done to bear down the rising in Scotland; and in this matter there was no small difference among them. The king was for suppressing it immediately, by forces from England joining with the Scots army, and the duke of Monmouth to command them; Shaftsbury was for suppressing it by his friends in Scotland, whom he would have brought into the management, in Lauderdale's room, jointly with Monmouth. Essex agreed with the king as to the suppression, but wished it might be done only by the Scots, and was against the duke of Monmouth's having the command: however, all at length came in to the duke's being sent down, and so he came, as we shall hear, with instructions not altogether unfavourable to the oppressed people of Scotland, and he seems not to have been very acceptable to many of our managers at Edinburgh.

I shall end this section with observing, that, about this time, the lord Macdonald, a professed and violent papist, who, as we have seen, with his clan, friends, and followers, for some time had been up in arms, and making ravages upon the earl of Argyle's lands, sent in to Edinburgh a petition to the council, my copy of which wants a date, but I take it to have been toward the middle of June. It was much suspected that this army of professed papists, now up in a body, though they pretended self-defence against the earl of Argyle, and lived pretty much by the depredation of his lands, were in a close correspondence with, if not under pension to the duke of York, and in concert with those concerned in the popish plot in England, and were to have been employed, with too many others his friends in Scotland, as occasion served, to support the popish successor, in case some designs against the king had succeeded; or, in the event of the bill of exclusion's taking effect, they might have been of use to overawe Scotland into an opposition to it. Although our laws very expressly provide against all papists in arms, and, by the proclamation abovenamed, they were really guilty of treason, yet the council are pleased to receive a petition from the commander of this popish party, which, being short, I insert here.

The humble petition of the lord Macdonald, and the gentlemen of the name of Maclean, convened to defend themselves against the oppression and malice of the earl of Argyle.

May it please your lordships,

'Being necessitate, by the oppression of the earl of Argyle, to defend ourselves and kinsmen from being for ever ruined and enslaved to him; and, for that end, being convened, and being informed of a rebellious crew in the west, in arms against his majesty's authority, whose addresses we have rejected; we most humbly, according to our duty and loyalty, petition to be authorized by the commander-in-chief, to assist to avenge the king of his enemies, and that the earl of Argyle may in the mean time be commanded to desist; which he hath ever done, when his majesty had any thing to do: and your petitioners shall give their wonted testimony of their loyalty and duty, and give a contrary proof to the false character the earl of Argyle hath given of us,'

Who shall ever pray, &c.

The insinuation in the petition, that the rebels, as they call them, in the west had made addresses to that popish army of barbarous Highland papists, is so gross a slander, that it needs no refutation. They were the firmest in their opposition to popery; their opposition to prelacy was under the views they had of its being a remain of popery, and contrary to our reformation rights. The first risers were so strict, as they made difficulties to join with the presbyterians who had embraced the benefit of the indulgence, and all along they gave sufficient documents of their abhorring the least motion this way. Consequently we must necessarily look upon this clause of the petition, either as put in at Edinburgh by some body, to cast a slur upon the presbyterians, or as an artifice of the papists to recommend themselves, who stick not to advance their cause by the grossest lies and dissimulation. When the council read this petition, there was a considerable number appeared for indemnifying these popish clans, and employing them against the west country army: but this was so flatly in the face of their own laws, and so open a siding with popery, that it was got crushed, though with some difficulty. How low a pass was the reformation interest in Scotland at, when such a proposal was made, and almost carried at the council board! I return now to the west country army.

SECT. V.

Of the state, declarations, and divisions of the west country army, from their leaving Glasgow till the march of the army under the duke of Buccleugh.

We left the west country people at Hamilton, after they found their design upon Glasgow impracticable. All the account I can give of their motions, till they came to Hamilton-muir, before the engagement, is in the following memorandum, which I find among some other papers relating to this period, which, for ought I know, is matter of fact. 'It is informed the rebels were at Drumclog, the first of June being Sunday upon Monday at the infal upon Glasgow, and at night they came to Hamilton, from thence they went to Strathaven, and from that came to Kilbride parish, 1679 where they stayed until Sunday, when they came to Rutherglen, whence upon Monday they came into Glasgow, upon Tuesday to Tollcross Park, Wednesday to Hamilton, Friday to Bradisholm Park, Saturday, Sunday, Monday, Tuesday, they were at Monkland Kirk and Shawhead-muir, then to Hamilton till the defeat.'

The reports of this body of men, their continuing together in arms after their success at Drumclog, joined with the accounts of the soldiers retiring from Glasgow eastward, being spread up and down the country, a good many came and joined them from all quarters. Their discouragement, for their repulse at Glasgow, was alleviated by John Paton in Meadowhead, called captain Paton, his joining them at Hamilton or Strathaven, with a body of horse from Fenwick, Newmills, and Galston; and considerable numbers joined them that week. It was a wonder to see the arms a good many of the country men had in so good case after the west country had been so often plundered of arms. A good many came to Mr Hamilton, and the people with him (of whom, without the ceremony of a choice, he took the command) from Galloway and Nithsdale; and indeed some of the best provided men at Bothwell were from the south, from Carrick, Kyle, Cunningham, Renfrew, Lanark, the Lothians, and Stirlingshire, and among them some very good gentlemen. None of the nobility did join in this rising.

These gentlemen, and the commoner sort knew nothing of Mr Hamilton and Mr Douglas's declaration at Rutherglen; neither were they at all privy to any thing of their scheme if they had any. They reckoned them a body of people appearing for the presbyterian interest, and in hazardous circumstances at present, whom the king's army would swallow up unless assistance were given them; and therefore resolved to hazard themselves in their defence, not knowing what Providence had to bring forth from these small beginnings. Indeed, abundance of men came in to the camp, when about Glasgow and Hamilton, during the time they stayed in the fields; but then many of them had but very sorry arms, and

1679. they were yet more straitened for ammunition, and had no way to supply themselves in this, except with a very small quantity they found at Glasgow; and it was a great loss to them that they almost altogether wanted officers any way trained to war. But the greatest loss was, their want of order and harmony among themselves; neither had they any person in whom they heartily centred, nor could they agree either upon the grounds of their appearance, or the time and other circumstances of it: they split upon subjects that seemed much out of their road, when their all was at stake; the heats and breaches upon these heads will presently come in. Their camp, when in commissary Fleming's park, in Kilbride parish, and about Glasgow, Shawhead, and Hamilton, was but ill regulated; and no wonder, when there were but a few among them who had ever been almost in any camp; and any officers they had, wanted authority over the soldiers; but people came, and went off from the camp just as they pleased, and as the carriage of the leading men pleased or displeased them; and the captains and other officers whom they chose, had nothing of that power which is absolutely necessary to the modelling an army. No exact account can be given of their numbers, for they were very far from being any way stated; a good many would have been with them to-day, and gone away to-morrow. When most numerous, they are by some papers said to be five thousand; but I question if ever they exceeded four thousand; and even these decreased exceedingly before the engagement, if I may term it so, at Bothwell, as we shall afterwards hear.

When the soldiers were retired from Glasgow, Mr John Welsh, and a considerable number of country men from Carrick with him, came to that city, where they met with no opposition, but much kindness and friendship from many good people there, and in the country about it. Nothing considerable was undertaken by them, only they caused the heads and hands of those who were executed in that place, for being at Pentland, to be taken down and buried; the same office they did to those who were killed in the attempt upon Glasgow, June 2d, with one or two who died of their wounds since. A party was also sent westward to Kilmarnock, Irvine, and Ayr, who took down the heads and hands set up in those places, and interred them. No doubt these little detachments used their interest whither they went, to get people to join their main army; and considerable numbers came every day.

In order to increase their numbers, and to state the grounds upon which they took up arms and continued in them, the most considerable persons among them, gentlemen, and others, as well as some ministers who preached to them, had many meetings; the principal thing they had before them, was the drawing up a declaration to be published to the world. It was upon this head they first began to divide and break among themselves. Their first rising was what they were forced unto, and involuntary, as hath been observed; and the declaration at Rutherglen, when considered, was unsatisfying to a great many now come up, who nevertheless were willing to join with these who drew it, and venture their lives and fortunes to get grievances redressed, and matters in church and state set right, in the most regular and orderly way circumstances would permit. Mr Hamilton, Mr Thomas Douglas, Mr Donald Cargil, and some others, upon the one side, would have the indulgence witnessed against, and some other things done: upon the other hand, the laird of Kaitloch, Mr John Welsh, Mr David Hume, and some others, were not for going those lengths; but inclined to set up upon as large a bottom as they could with a safe conscience, and were of opinion nothing should be taken into their declaration which might exclude any presbyterians from joining in the common cause. I find Mr Hamilton and those of that side blamed in some papers writ at this time, as maintaining some principles in their nature antimonarchical, as to the state, and tending to separation in the church, with what truth I cannot positively say. It is my province to set down matters of fact as I find them; and therefore I shall essay to give as short a deduction of the debates and differences betwixt those two parties, as I can, from the papers come to my hands,

and I leave the reader to judge on the whole.

At the beginning of the gathering, that week in which the attempt was made upon Glasgow, when they came to deliberate upon a declaration to be emitted, most part by far, in the meeting for consultation, were of Mr Hamilton and Mr Douglas's sentiments, Mr Welsh and a few others excepted; so that it was carried almost without a struggle, that the indulgence should be testified against in the declaration agreed to. All that Mr Welsh and those of his sentiments could do, was to get the passage relative thereunto kept in general terms. The paper at this time before them is but short, and follows. "We who are here providentially convened in our own defence, for preventing and removing the mistakes and misapprehensions of all, especially of those whom we wish to be, and hope are friends, do declare our present purposes and endeavours to be only in vindication and defence of the true reformed religion in its profession and doctrine, as we stand obliged thereunto by our national and solemn league and covenants, and that solemn acknowledgment of sins, and engagement to duties, made and taken in the year 1648, declaring against popery, prelacy, Erastianism, and all things depending thereupon."

This declaration was concerted and agreed to, and, as some papers say, published in the army. Perhaps it might have been agreeable to the interest of both sides now together in arms, to have for a while satisfied themselves with this general draught, until some way had been fallen on to bring them nearer other in their sentiments upon the controverted heads; but this would not do. I imagine some broken story about this declaration, or some commentary some body hath made on the words of it, hath given occasion to the idle story the author of the "Caveat for the Whigs," hath Part I. p. 61. "The rebels, when they had possessed themselves of Glasgow, issued forth their proclamation, commanding the magistrates to turn out all the archbishops, bishops, and curates, their bairns and servants, and all families and persons concerned in the king's army, within forty-eight hours, under the highest pains." This proclamation is so ill made for the whigs, I am of opinion it will not do them any hurt, and no reasonable person will believe it. 1679.

After some few days, when some more gentlemen and intercommuned ministers joined themselves to the gathering, they being of moderate principles, and for the softest methods of procedure, began to inquire a little into the declaration, and found fault with the last clause of it, as unseasonable and inexpedient. The persons, whom I shall afterwards term the moderate party, did every day increase, and had no small debates in the meetings now kept with Mr Hamilton and his party, whom I shall call the first party. Some who came in afterwards joined them; but they were mostly made up of such who had been in the first rising. This first party had chosen the strictest and seemingly most zealous side, and continued a good many of them for a while in these sentiments because they conversed only upon the one side. When they had a more extensive conversation, several came to have other views of matters; and upon the other hand, others who came up joined them for some time, and they continued pretty numerous. Heavy and long oppression had imbittered their spirits, and the positive and unguarded expressions of some ministers upon this side, contributed not a little unto this. The moderate party desired the clause, "all things depending thereupon," might be taken out, as plainly enough pointing at the indulgence, at a season when it was most unfit that presbyterians should bite and devour one another. They urged, the indulgence was a point in its nature disputable, and not yet declared sinful by any general assembly, or other competent judge; adding, that a declaration in this matter would certainly break them who were gathered, among themselves, and hinder a considerable body of people, who had clearness about the indulgence, or at least could not make it a ground of separation, from joining them. The other side urged, that the point controverted was only declared against in a general clause, and that it was their opinion it was a defection; that Erastianism was as directly abjured by this church as prelacy, and the indulgence

was a fruit of Erastianism. Thus their
1679. debates landed upon the merits of the clause, and turned both long, warm, and endless, and a sensible coldness fell in among them, and the alteration of the first declaration was dropped for some days, until it came in another shape in a little time.

At another meeting the first party moved, that, considering they might have the enemy shortly to grapple with, a day for fasting, prayer and supplication might be kept, for mourning over public sins and defections, deprecating God's wrath upon that account, and wrestling for the divine protection and blessing upon their present endeavours; and pressed a particular condescension might be drawn up in writ of public defections. I shall not say this was a fasting for strife, and not a loosing of the bands of wickedness; but in fact it did turn in the event to foster and heighten their dissention and differences. The moderate party expressed their fears of the tendency of such a proposal in their present circumstances, and reasoned for some time against the condescending upon any sins in public causes, but what they could all agree in. They were over-ruled and four ministers and four gentlemen were appointed to bring in a draught, which will best discover the view of the proposers, and I insert it here.

Enumeration of public defections, June, 1679.

'As to those before the restoration, we refer to the "Causes of God's Wrath." Since the year 1660 we reckon,

'1. The universal rejoicings, bonfires, and riotings that were almost everywhere throughout the land, at the king's return, and yearly since; the many public abuses then committed, and frequent profaning of the Lord's name.

'2. The establishing of, and complying with abjured prelacy.

'3. The neglecting of public testimonies and protestations against the erecting of that tyrannical abjured hierarchy, and against the defacing of the Lord's glorious work, and overturning the right government of his house.

'4. The great and public sin of many, in taking unlawful bonds, called bonds of peace, &c. which are contrary to our solemn oaths and covenants.

'5. The paying of unlawful cess and taxations, imposed and levied for keeping up the sacrilegious supremacy, and for maintaining soldiers to suppress the gospel.

'6. The complying with abjured Erastianism; ministers appearing at the court of usurping rulers, and their accepting from them warrants and instructions (founded upon that sacrilegious supremacy) to admit them to, and regulate them in the exercise of their ministry; their leading blindfold alongst with them many of the godly in that abjured course; their indulgence becoming a public sin and snare, both to themselves and many others.'

However well this enumeration is drawn to answer the views of the one side, it is evident that such as were upon the other side could never go into it. I am told, Mr Welsh was not with them when the draught was appointed; but he and Mr Hume very much opposed it, and posed the urgers of it, how they would take it, if he and those of his sentiments should urge a fast, because some ministers and preachers separated from presbyterians, and divided them, and preached against the indulgence, before its unlawfulness was determined by any judicatory. In short, he pressed the forenamed arguments against this, and gave his opinion that it would make great numbers desert them, and hinder many gentlemen and others from joining with them. All the reply given, was positive assertions that these things were sinful, and ought to be publicly mourned for. Those who were against this enumeration and the fast, because they perceived it would not be kept as such a solemn work ought to be, could not yield in this matter, and so there was no fast kept. Thus their divisions increased, and the necessary work which might and should have been gone into, was by their debates first delayed and then entirely marred. And enemies had it to observe and remark, that ministers preached and prayed against one another. And Mr Cargil, they say, publicly protested, that they behoved to part one

from another, because a good many of them would not go into a day of humiliation.

When this project failed, I am told, Mr Hamilton took upon him to send orders to Mr Welsh, Mr Hume, Mr Rae, and others of the more moderate party, to preach against the indulgence, otherwise he and a good many of the officers would not hear them. It is said, Mr Rae sent a very home and close answer to him, and desired the messenger to tell Mr Hamilton and the rest, that he had been wrestling against Erastianism in the magistrate for many years; and he would never truckle to the worst kind of Erastianism in the common people; that he would receive no instructions from him nor any of them as to the subject and matter of his sermons; and wished he might mind what belonged to him, and not go beyond his sphere and station. Another, and I may say, the principal point upon which they divided, was concerning the stating the cause whereupon they took up and continued in arms. The clearing of this will take up a little room; but I give it the more largely, as what will be upon the matter, a vindication of the body of presbyterians in Scotland, from many aspersions cast upon them with relation to this rising I am giving the history of. It will likewise further let us into the difference betwixt the two parties at this time, in the west country army. When a declaration, or the state of the cause upon which they now appeared in arms, came to be considered in their meeting of officers, now called the council of war, the first party would hear of no other state of their quarrel, but upon the foot of the declaration at Rutherglen, and the other a little after that before mentioned. They were not unwilling to have them amplified and enlarged, but remained peremptory to have the same materials continued. The moderate party proposed another draught, which contained an acknowledgment of the king's authority, in the terms of the third article of the Solemn League and Covenant, as we shall find just now in the draught itself, and desired their rising in arms might be stated upon that foot. This was most vehemently opposed by the first party; who urged, that as they had not mentioned the king and his interest, and had waved any positive declaration against him, so they might be excused, and not urged to declare positively for him. They pressed, that all mention of the king might be left out of any paper that should be agreed upon, since they could not in conscience positively own him, because he was now in a stated opposition to the interests of Christ, and had, upon the matter, declared war against his people; and all the present oppression, cruelty, and persecution in Scotland, for the redress whereof they were now appearing, was carried on in his name. And in short, such a state was inconsistent with the declarations they had already published; and that the covenants bound them and the whole land, first to God, then to one another; and then to the king in the defence of the true religion: but now they alleged the king had actually overturned the true religion, set up prelacy and Erastianism, ruined the covenanted work of reformation, and the liberties of the nation, persecuted to the death the owners of both, and plainly broke the conditions of government sworn at his coronation, whereupon his right and their allegiance were bottomed: that upon the whole it followed, that subjects' ties to him were loosed, and that the words of that article of the covenant ought not now to be used. This was matter of long debate: it was almost fruitless for the moderate party to urge, that in the year 1638 the general assembly, and the covenanters owned the king's authority in the plainest and most forcible manner, though he had declared war against them: that though the breach of many of the articles the king had engaged to, was too evident, yet no habile and competent judges had declared so much; and they questioned much how far this could be found competent for them: that this method of throwing off the king's authority, would directly preclude all redress of grievances, and getting things that are wrong, righted; and evil counsellors removed, who had been the authors and springs of all these evils, and advised the king to them: that their not owning plainly the king's authority, would undoubtedly break the design of their gathering together, and effectually hinder multitudes, who were willing to join them, from 1679.

1679. coming to them. In short, though in reasoning they endeavoured to answer every particular advanced by the other side, yet it was to little purpose. They were very fixed to their sentiments. I find by the papers whence I draw this account, that it was urged by the first party; that since the other side would have in the third article of the covenant, that the fourth might likewise be inserted: that was soon found to be a mere shift, and not much insisted upon, and so dropped.

After many debates in several meetings, the draught of a declaration, which I shall presently point to, was agreed to in one of their meetings. I find indeed complaints in the papers of such who favoured the first party, that by reason of the absence of many of the officers from the council of war, and a sudden alarm given to the army, the meeting, where this paper was voted, was thin, the thing concluded in a hurry, and some promises given by such as urged it, that some words should be amended before it was published, which were not fulfilled: and from this, some papers, particularly one written by Rathillet, says, that upon June 13th Mr Welsh and Mr Hume published the declaration at Glasgow, against faith and promise. What truth is in these assertions of the one side, I do not know, having seen nothing written by the moderate party taking any notice of them. I am apt to believe many gentlemen were come up by this time, who brought the two parties to a greater balance than they had been in before: and it may be, upon the occasional absence of one or two of the first party, the other became supernumerary. However this be, upon its being voted, Mr Welsh and Mr David Hume did carry in the copy to Glasgow, and caused publish it at the cross; and afterward printed it, and spread it up and down the country. I have inserted the printed copy of it below.* It is very probable, had not new divisions and the engagement itself prevented, this declaration would have brought in great numbers to the west country army. Perhaps the dif-

---

* *Declaration, June 13th*, 1679.

As it is not unknown to a great part of the world how happy this church of Scotland was while she enjoyed the ordinances of Jesus Christ in purity and power, of the which we have been deplorably deprived by the establishment of prelacy; so it is evident, not only to impartial persons, but to professed enemies, with what unparalleled patience and constancy the people of God have endured all the cruelty, injustice, and oppression, that the wit and malice of prelates and malignants could invent and exercise, and being most unwilling to act any thing which might import opposition to lawful authority, or engage the kingdom in war, although we have been all along groaning under the overturning the work of reformation, corruptions in doctrine, slighting of worship, despising of ordinances, changing of the ancient church discipline and government, thrusting out of so many of our faithful ministers from their charges, confining, straitly imprisoning, exiling, yea, and putting to death many of them, and intruding upon their flocks a company of insufficient and scandalous persons, and fining, confining, imprisoning, torturing, tormenting, scourging, and stigmatizing poor people, plundering their goods, quartering upon them by rude soldiers, selling of their persons to foreign plantations, horning and intercommuning many of both; whereby great numbers in every corner of the land were forced to leave their dwellings, wives, children, and relations, and made to wander as pilgrims, still in hazard of their life, none daring to reset, harbour, supply, (though starving) or so much as to speak to them, even on death-bed, without making themselves obnoxious to the same punishments; and these things acted under colour of law, in effect tending to banish, not only all sense of religion, but also to extinguish natural affection, even amongst persons of nearest relations, and likewise groaning under the intolerable yoke of oppression, in our civil interests, our bodies, liberties, and estates, so that all manner of outrages have been most arbitrarily exercised upon us, through a tract of several years bypast, particularly in the year 1678, by sending against us an armed host of barbarous savages, contrary to all law and humanity, and by laying on us several impositions and taxes, as formerly, so of late by a meeting of prelimited and overawed members, in the convention of estates in July 1678, for keeping up of an armed force, intrusted as to a great part of it, into the hands of avowed papists, or favourers of them, whereby sundry invasions have been made upon us, and most exorbitant abuses and incredible insolencies committed against us, and we being continually sought after, while meeting in houses for divine worship, ministers and people frequently apprehended, and most rigorously used; and so being necessitate to attend the Lord's ordinances in fields, in the most desert places, and there also often hunted out, assaulted to the effusion of our blood, and killing of some, we were inevitably constrained, either to defend ourselves by arms, at these meetings, or be altogether deprived of the gospel preached by his faithful ministers, and made absolute slaves; at one of which meetings, upon the first day of June instant, (being the Lord's day) captain Graham of Claverhouse being warranted, by a late proclamation, to kill whomsoever he found in arms at field conventicles making resistance, did furiously assault the people assembled; and further to provoke, did cruelly bind, like beasts,

ferences among them anent the fast might fall in after this in order of time, though I have given them before it: for the papers I have before me have very few of them any dates; and the great heats anent the choice of their officers certainly fell in after this.

I shall make few reflections on this declaration. This was a time when things could not be got done as many wished to have had them. We have seen with what a struggle this paper was got through; and when it was voted and published, Mr Hamilton and some others complained of it, and would scarce own it as the deed of the meeting; and we shall find some who died afterwards, put upon bearing testimony against this as a defection. However, as yet it was not directly disowned, but highly complained of, by such who were for other methods. Upon the whole, it appears to me to have been fully satisfying to neither side and their sentiments, far less the opinion of the body of presbyterians through the land. It was what the moderate party with difficulty got through. Some things were put into it, if possible, to cement both parties: but that would not do, the breach rather run higher. 1679.

But leaving this, I come to lay before the reader another draught of a declaration, which, I can say, was the general sentiments of presbyterians throughout the nation, was approven by the moderate party at Bothwell, and would have been heartily gone into by them, had they not been cramped, and brought to quit it by the importunity of the other side, and a willingness, if possible, to agree with them in some draught. I have ground to think, however, that they took in as much of it as they had any prospect the other side would come in to. That the reader may understand the genuineness and conveyance of this paper, which, for what I know, hath been hitherto in the hands of but very few, it may be

---

a minister, with some other people, whom he had that very same morning found in their houses, and severals being killed on both sides, and they knowing certainly, that by law they behoved to die, (if apprehended) they did stand to their own defence, and continued together, and thereafter many of our friends and countrymen being under the same oppression, and expecting the same measures, did freely offer their assistance. We therefore thus inevitably, and of absolute necessity, forced to take this last remedy (the magistrate having shut the door by a law against any application, that whatever our grievances be, either in things civil or sacred, we have not the privilege of a supplicant) do judge ourselves bound to declare, that these, with many other horrid grievances in church and state, (which we purpose to manifest more fully hereafter) are the true causes of this our lawful and innocent self-defence. And we do most solemnly, in the presence of the almighty God the searcher of hearts, declare, that the true reasons of our continuing in arms, are candidly and sincerely these. 1st. The defending and securing of the true protestant religion, and presbyterian government founded on the word of God, and summarily comprehended in our confessions of faith and catechisms, and established by the laws of this land, to which king, nobles and people are solemnly sworn, and engaged in our national and solemn league and covenants, and more particularly the defending and maintaining of the kingly authority of our Lord Jesus Christ over his church against all sinful supremacy, derogatory thereto, and encroaching thereupon. 2ndly. The preserving and defending the king's majesty's person and authority in the preservation and defence of the true religion and liberties of the kingdom, that the world may bear witness, with our consciences, of our loyalty, and that we have no thoughts nor intentions to diminish his just power and greatness. 3dly. The obtaining of a free and unlimited parliament, and of a free general assembly, in order to the redressing of our foresaid grievances, for preventing the danger of popery, and extirpation of prelacy. This therefore being the cause we appear for, and resolved, in God's great name, to own (hereby homologating all the testimonies of our faithful sufferers for truth in Scotland, these eighteen years) together with acknowledgment of sins, and engagement of duties, we humbly request the king's majesty would restore all things as he found them, when God brought him home to his crown and kingdoms; and if that cannot be obtained, then we heartily and humbly invite, intreat, beseech, and obtest, in the bowels of Jesus Christ, all who are under the same bonds with us, to concur in the defence of this common cause and interest, and that they would not stand still, and see, not only us oppressed, but this foresaid cause ruined, adversaries highly and proudly insult against God and all good men, friends of the truth discouraged, yea, the protestant cause in Britain and Ireland, and even yourselves, within a little time, made a prey of, or else forced, when we are broken, (which the good Lord prevent) dreadfully to wrong your consciences. Finally. Because we desire no man's hurt nor blood, we request our countrymen, now the standing forces of this kingdom, some of them being our friends and kinsmen, not to fight against us, lest in so doing they be found fighting against the Lord, whose cause and quarrel we are sure he will own and signally countenance, seeing we fight under his banner who is the Lord of hosts.

1679. proper I give the history of its coming to my hands. The reverend Mr Robert Wylie, minister of the gospel at Hamilton since the revolution, lately entered into the joy of his Lord, was pleased to give me the original copy, which continued in his hands, being clerk to the meeting from which it came. The shining piety, fine taste, excellent sense, and singular accomplishments of this truly great and good man, in every branch of valuable knowledge and learning, forbid me to enter upon his character, as what I am not able to give; and he is so well, and so long known in this church, that it were needless for me to offer at it. I only take this opportunity to own publicly the encouragement and helps I had from himself while alive, and from his papers, by the obliging favour of his relict, since his death, in compiling this history. Within a few weeks of his death, when not able to write himself, February 1715, he sent me this account of this paper, which I give here. As soon as the reports of the rising in the west came to Edinburgh, a good many presbyterians, gentlemen and others, used to meet there every night almost. Those persons wanted not their fears that Mr Hamilton and others might expose that honest and sincere appearance of the country people, by running to extremities; and therefore offered their advice to some among them, as knowing the posture of public affairs, and circumstances of things; and frequent messages and informations were sent to the west, several of which were not very kindly entertained. However, the paper I am just now to insert was read in one of these meetings, and, after consideration, was agreed unto. All the ministers in town, and particularly Mr Robert Fleming, afterward minister at Rotterdam, at this time prisoner in the tolbooth, applauded it much. The view they had in it, was to state the west country appearance, upon such reasons and grounds as would bear some weight; and upon such a foot as the party in England, who were appearing for civil liberty, might countenance them, and if grievances there could in no other manner be redressed, might in due time side with them. In short, the view they had was to enlarge the bottom upon which they went, so as their quarrel might appear just and fair to all the reformed churches, as well as agreeable to the real principles of our reformation from popery, our presbyterian establishment, and, above all, to scripture and truth. The difficulty was, how to get it conveyed to the west country army. At length Mr William Dunlop, then in my lord Cochran's family, was pitched upon, and he undertook it. By the naming him, many of my readers will know, that afterwards he was the reverend and worthy principal of the college of Glasgow, since the revolution, whose singular piety, great prudence, public spirit, universal knowledge, general usefulness, and excellent temper, were so well known, that his death, now a good many years ago, was as much lamented as perhaps any one man's in this church. With some difficulty Mr Wylie conveyed a copy of the paper, at one of the rounds of the south side of the town-wall, to Mr Dunlop; and I have some reason to think these two formed the first draught of this paper. Mr Dunlop took the occasion of my lord Cochran's horses and livery-men their going west, and came with the paper unobserved to the camp. He was very acceptable to Mr Welsh, who was much pleased with the paper, and showed it to Mr Hamilton, who was a little sour upon it. However a council of war was called, Mr Dunlop was not admitted to speak with them, but the paper was rejected very positively, yet Mr Welsh made use of it in the draught abovementioned. The copy of this paper sent from Edinburgh, I set down here from the original now in my hands.

The declaration of the oppressed protestants now in arms in Scotland.

'Since it hath pleased the Lord in his holy and wise providence, to call together us the oppressed people of the western, southern, and other shires of Scotland; we judge it a duty incumbent upon us, to give the world, a short but faithful account of the causes and motives of this our appearance; which, though it hath been, as to its immediately antecedent occasion, altogether accidental, and, upon our part, merely defensive, and involuntary, yet we now finding

ourselves providentially stated in another capacity, do, with reference thereto, declare, That whereas we have long and patiently groaned under the intolerable yoke of oppression and persecution upon our bodies, consciences, liberties, and estates, by the violence, rapine, robberies, finings, confinings, imprisonments, banishments, denunciations, intercommunings, torturings, putting to death, and all manner of outrages that have been exercised upon us, through a tract of several years bypast, particularly in the year 1678, by sending against us an armed host of barbarous savages upon free quarter, contrary to all law and humanity, for inforcing of a most unnatural bond, wholly illegal in itself, and imprestable by us; all which are too many and grievous to be enumerated, and too recent to be forgotten by any. For maintaining and carrying on of which unjust and horrid designs, there have been several taxes and impositions laid upon this land, as formerly, so of late, by a meeting of packed, prelimited, and overawed members in the convention of estates, July 1678, intrusted, as to a great part of it, in the hands of avowed papists, or favourers of them, by whom sundry invasions have been made upon us, and the most exorbitant abuses, and incredible insolencies committed against us. Whilst we, meanwhile, have demeaned ourselves most peaceably, dutifully and loyally, even to the conviction of our adversaries themselves, who were never able to charge us with any other crime than that of serving God according to his word and our consciences, nick-named by them, sedition and rebellion. All which, as we have more than sufficient reason to believe, hath proceeded from the pernicious influence of some prime ministers of state for Scotland, from the implacable cruelty and malice of the prelates in Scotland, and from the agency of their subordinate and ungodly instruments; by whom his majesty's favours to his distressed subjects, the results of his own royal bounty and native clemency, have been either totally withheld or miserably curtailed, and maimed; and all administrations in church and state, contrary to equity and our known laws, have been dispensed for many years bygone in a most arbitrary and tyrannical manner. And whereas we have long, but without effect, 1679. expected a redress of these our sad and unsufferable grievances, all applications for remedy being by act of parliament declared unlawful; and those worthy patriots, who have undertaken to make a representation of the lamentable state of this kingdom, having, through the sinistrous policies of their adversaries, been baffled and disappointed in their attempts for relief. And it being now more than ever apparent to us, that there is a formed and universal plot carried on, for subversion of the protestant religion, and for subjecting these lands under the antichristian bondage of popery, as by secret undermining and murderous practices in England, so by the open introduction of slavery and tyrannical government in Scotland. It being likewise further evident to every one who doth not wilfully shut his eyes, that many of the present Scottish privy council do signally contribute to the promoting of the same, as in manifold instances might be made appear, so particularly in this, that not only hitherto have they countenanced and tolerated known masses, and massing-priests and jesuits to be kept, and to converse in and about Edinburgh, and through the nation; but also, that the lord Macdonald, a professed papist, with a modelled army, mostly, if not altogether, consisting of papists, hath remained in arms within the kingdom for a considerable time, without any effectual control from them: but on the contrary, so far are they from a vigorous suppressing of popery, that it doth still receive remarkable encouragement from them, in that not only by their late proclamation of the 7th instant, the conduct of the gentry in several shires is committed to declared papists, and persons popishly affected; but also it hath been lately proposed and agitated at the council-board, and narrowly missed of passing there, that the said lord Macdonald, with his popish army, should be indemnified for all that is passed, and invited down upon the western shires; whereby it is unquestionably clear, that they are more inclinable to reconcile with, embrace and cherish the most bloody and obstinate papists, than to listen to cries of oppressed

protestants. All which abovemen-
1679. tioned particulars, here huddled up for brevity in transient hints, with many other our sharp and cutting grievances, we intend speedily, God willing, in a more ample narrative to exhibit to the world.

'And now all our hopes of redress, and prevention by calm and gentle methods, and the ordinary course of justice, not only from our rulers at home, but from our neighbours abroad, being utterly cut off through the prorogation of the English parliament, from which, under God, we expected that a speedy and effectual check should be given to these growing evils and imminent dangers, whereby the contrivers, assisters, and abettors of the foresaid hellish plot, are protected from that punishment which their crimes deserve, the imperial crown, if the king should decease, or be violently made away by his treacherous enemies, which God avert, to be devolved upon a professed popish successor, an eminent promoter of the said plot, and the deplorable calamities and miseries of this land, so far from being terminated, that they are daily increasing to a more prodigious and insupportable height, through the constant working of that diabolical popish plot, as well in this as the neighbouring nation, as is now beyond all rational contradiction manifest. Therefore we, finding ourselves under an unavoidable necessity of having recourse to arms, do, in presence of almighty God the searcher of hearts, declare, that as nothing short of the utmost extremity hath driven us to it, so the reasons of our continuing in arms are candidly and sincerely none other than these. 1st. The defending and securing the true protestant religion and presbyterian government, the great bulwark against popery, founded upon the word of God, and established by the laws of this land, to both which the king, nobles, and people are solemnly sworn and engaged. 2dly. The preservation of his majesty's royal person from the insidious projects of his popish adversaries. 3dly. The deliverance of his said majesty from the malicious influence of the foresaid wicked counsellors, and of this kingdom from the ruining effects of their wicked counsels. 4thly. The diverting of the succession from falling in the person of a notorious popish plotter, which we mean and intend, with all due respect to authority, and deference to the royal line. In the prosecution of which commendable and Christian ends, as we hope for the countenance and help of almighty God, the patron and protector of the oppressed, and vindicator of his own truth, so we do expect the aid and concurrence of all honest and true protestants, to assist the justice of our righteous cause. Protesting always, that, upon the obtaining of our foresaid just and reasonable desires, we are most ready to lay down arms, and behave ourselves with all submissive obedience towards lawful authority.'

This paper speaks for itself, and I need say nothing upon it. Had the west country appearance been stated upon this foot, it is probable their numbers and success had been greater. This declaration contains a succinct account of the present circumstances of this church and nation, and the real sentiments of the most judicious, knowing, and the greatest part of the suffering presbyterians Upon this bottom this rising at Bothwell may be defended in the same manner, and almost from the same reasonings advanced in the former book with relation to that at Pentland: yea, if circumstances, and the present state of things at this juncture, be narrowly viewed, with the hazard Britain and the whole reformed churches were in from popery, we shall find this rising to be much upon the same reasons and foot with the revolution 1688, and the abdication of the popish plotter, in the paper complained of; and all the unanswerable arguments, so well advanced for vindicating of that happy turn of affairs, will support this rising at Bothwell. Indeed the west country people wanted the concurrence of persons of rank and quality, and had none of the nobility openly joining with them; and therefore allowances must be made as to some circumstances, and the manner of their appearing: and probably, if persons of interest in the country, and better management, had directly joined with them, the balance would have entirely been cast upon the moderate side, and the unhappy and ill-

timed heats among them would certainly have been prevented, and a stop put to several other mismanagements which attended this attempt for national and religious liberty. However, even those steps most liable to exception cannot be charged upon presbyterians through the nation, neither altogether upon the generality of those who were in the army, as is plain from what is above narrated. The moderate party did things the best way the circumstances they were in at present allowed, and it was a great deal easier censuring them, than acting in their circumstances at this time. Other differences and heats fell in among the west country army, some little time before the engagement, concerning the choice of their officers, and the offering an address to the duke of Buccleugh and Monmouth when he came west: but I shall leave the accounts of these to the following section, where I am to consider what immediately went before the engagement, and the defeat itself at Bothwell-bridge.

SECT. VI.

Of the arrival of the duke of Monmouth, and march of his army, the continuing divisions, and supplication of the west country army, with an account of their engagement and defeat at Bothwell-bridge.

We have already heard, that, upon the accounts from Scotland of the rising in the west country, the king, by the advice of his English council, named his natural son, James, duke of Buccleugh and Monmouth,* to command his army in Scotland, and gave him instructions not altogether unfavourable to presbyterians, of which I have not seen a copy. The duke made all despatch, and parted from London the 15th of June, and was in Edinburgh the 18th, where I find him that day admitted privy counsellor. His instructions are read in council, and he intimates his resolution to go to the army to-morrow early. When 1679. at Edinburgh, it was soon known he was willing to hear grievances, if presented to him: it seems care had been taken at London to give him favourable impressions of presbyterian ministers, and we shall afterwards find them applying to him. Notice was immediately sent to the west country army of the general's good inclinations, that they might accordingly concert matters; but Mr Hamilton and his party showed a great aversion to any applications to the duke; and some papers insinuate, that the people who had been accessory to the murder of the archbishop, did what in them lay to mar any motions this way. The moderate party were entirely for presenting their grievances, and accommodating upon good terms, and with great difficulty, as we shall hear, carried it, when, I may say, it was too late.

We left the earl of Linlithgow and his army about Edinburgh, and June 17th I find the earl in his ligger† at Kirkhill-park, belonging to the lord Cardross, whose losses were very great at this time by the soldiers. From thence he writes two letters to the council, June 17th and 18th, which contain the best account of his army I have seen, and they are insert.‡ The council make

* "He was brave, generous, affable, and extremely handsome; constant in his friendships, just to his word, and an utter enemy to all cruelty. He was easy in his nature, and fond of popular applause, which led him insensibly into all his misfortunes."—Welwood, p. 172.

† Or lair, i. e. place of retirement, or rest. *Ligger* seems to be derived from the German *Lager*, a camp.—*Ed.*

‡ *Two letters from Linlithgow to the Chancellor, June 17th and 18th* 1679.

Kirkhill-park, June 17th, 1679.

My lord,

I am come to the place of our liggering this night in the park of Kirkhill. Most of the regiments and troops with the artillery and ammunition are not yet come up. Since my coming here, I did send out a small party of horse and dragoons towards Monkland, who has discovered a party of the rebels near West-Calder, they are about an hundred horse. So soon as all our horse and dragoons are come up, I intend to send a stronger party out to engage them. The gross of their body is lying about the Haggs, from whence, as I am informed, they send parties over all the country. Most of the heritors of the several shires are at Linlithgow, with whom I have sent a company of dragoons to keep guard with them. My lord, it is very sad to have so many militia regiments here, and hardly one bit of bread to eat, which, if not remedied by your lordship, I leave you to judge of the event. I hope all of us here will do our duty in our stations, but men must eat. What

1679. a return to them, signifying that provisions were come up to him, and the duke of Buccleugh was to be with them that day, and desire him to take up fit quarters for his army at Blackburn, and there to wait the duke's orders. That same day they send a letter to Lauderdale, acquainting him with the general's arrival, and thank the king for sending him (which they do in very soft terms) and conclude with giving the substance of the major-general's letters just now insert. And June 20th the council receive a letter from the king, approving what they had done, and requiring them to go on against the rebels, dated June 16th, which stands below.* To this they return an answer, which, because it contains some further hints of the state of things, I have added below.† Let me only remark, that in the

---

rout is to be taken to-morrow must be according to our intelligence this night. But for the present I can say no more, but that I am,

My lord,

Your lordship's most humble servant,

LINLITHGOW.

Kirkhill-park, June 18th, 1679.

My lord,

I received your lordship's of yesterday's date: and for to give your lordship an account of the sta of our affairs, and numbers of the militia regiments; we have here the regiments of East-Lothian, the Merse, that Perthshire regiment commanded by the marquis of Athole, the other was at Linlithgow last night, and will join us this morning; the two Fife regiments, the regiment of Angus, I believe, will join us in our march this day, and the militia regiment of the town of Edinburgh; these of them that are here having joined us late the last night, and the others not being yet come up, makes me incapable of giving your lordship an exact account of their numbers, but as near as I can *conjecture*, the eight militia regiments that we have, will make up about five thousand men. The heritors of the several shires are not yet come up, except those that came from the east with us, who are lying in the little towns most adjacent to this *place*. These that came from Stirling are lying at Linlithgow and Falkirk. So soon as we are all joined, I shall not fail to give your lordship a more exact account of our numbers, both horse and foot. We are to join at Blackburn, and from thence we will take our measures according to our intelligence. It is impossible to know the number of the rebels, until we force them to draw together, they being now dispersed over the country. All the account we have of them is, that their body is lying about the Haggs. I am just now despatching some intelligent persons to go in to the places where they are, for intelligence. Yesterday I gave your lordship an account of a party of the rebels of about an hundred horse, that we saw, upon the left hand, in our march. I commanded out a party of horse and dragoons to go to them, but before they came within any distance of them, they run for it. This is all the account I can give for the present. I am,

My lord,

Your lordship's most humble servant,

LINLITHGOW.

---

* *King's letter to the council, June 16th*, 1679.

Charles R.

Right trusty and well beloved, &c. We greet you well. We are very well pleased, that our two last despatches, signed by the duke of Lauderdale at our command, have given you that satisfaction which we intended; and we do assure you, that you shall always find us ready to give you all the assistance and encouragement which are fit upon such emergents. We are also very well satisfied with your prudent and exact care in all the particulars mentioned in your last letter, dated the 13th instant, by which you advertise us that you have supplied Stirling, provided for our forces, called in major Main, with some of our English troops of horse and dragoons under his command, and that you are speedily, in our name, to cause all our forces to march; with which, it is our will and pleasure, that you prosecute those rebels with fire and sword, and all other extremities of war, that others may be terrified by this just and deserved severity, and we and our good subjects freed from these frequent rebellions, which would necessarily follow their being spared at this time: and to prevent their securing themselves by withdrawing to their skulking holes, after they have committed all manner of mischief, we require you to use your utmost endeavours in getting the best intelligence of all such as have been engaged in this rebellion; being fully resolved to bring the ringleaders, even amongst these, to condign punishment, suitable to this notorious and insolent rebellion. We must likewise put you in mind, that all care and diligence be used for discovering the murderers of the late archbishop of St Andrews, by all the severity that law will allow, and that you punish, with all rigour, the actors in, and accessories to that horrid murder, by assistance, resetting, or otherwise; all which shall for ever be debarred from our pardon. So expecting to hear frequently from you, we bid you heartily farewell.

Given at our court at Whitehall, the sixteenth day of June 1679, and of our reign the thirty-first year.

LAUDERDALE.

† *Council's answer to the king's letter.* 1679.

May it please your grace,

His majesty's gracious letter, of the date June 16th, *did* create an universal joy amongst us, wherein his royal wisdom hath given such just measures and directions for suppressing of this rebellion, as may secure his government, together with our religion, lives and properties, from being endangered by frequent insurrections of this nature, which would infallibly have followed, if the insolent rebels, who now disturb this kingdom, should have been spared at this time, and not prosecuted with the utmost severities. A double of his majesty's letter we transmitted this morning betimes to his grace the duke of Buccleugh, general of all his majesty's forces of this kingdom. We sent yesternight the laird of Lundin to wait upon and compliment him, and to know his grace's pleasure,

midst of other affairs, June 19th, after the general had been in council, they remit it to the lord Abbotshall, and Sir George Kinnaird, to call for a list of the prisoners in the Canongate and other prisons, and examine their case, and liberate such as are not concerned in the rebellion, as they find cause.

That day the duke goes to the army, and marches slowly westward toward Hamilton; next day he complains, in a letter to the council, of want of provision in the camp at Muirhead, which hinders them to march. Upon which the laird of Lundin is, June 21st, sent express from the council, to represent their diligence in this matter. Before Lundin comes up, the council have another express from the general, acquainting them, 'That the bread is come up, but so much short, that it will not serve them one day; and therefore (with some sharpness) he urgeth them to send what they promised, and give orders that their stores be daily sent up to them, as they would not infinitely prejudge his majesty's service.' This produceth another letter to his grace from the council, with nineteen cart-load of provisions, promising to send the meal tomorrow, and laying the blame upon the bakers. But some were of opinion, the general was not very acceptable to a good many at Edinburgh, and this slackness in the coming up of provisions was not wholly chargeable on the bakers. I shall only further notice from the registers, that, June 22d, Dalziel's commission comes down by a flying packet, which the council immediately forward with a letter to the duke, leaving it to his grace's consideration, if it be not fit to send out a party of horse to meet him, at his coming that day, in quality of the king's lieutenant-general. 1679.

This want of provisions, and, as some say, the general his waiting for some application from the west country army, made the duke's motions westward but slow. Meanwhile friends at Edinburgh endeavoured to dispose the people at Bothwell this way, and likewise directed them as to the manner of their management in all events. The double of a paper of advice sent them, is before me, and it may not be improper to give an abstract of it here. The person who writes gives it as his opinion, that all imaginable affection would be testified to the duke; and he tells them this may have good effects, and there is ground for it. "The extremity," adds he, "of oppression and cruelty so long, and by so many various methods, exercised upon you, only for adhering to a matter of conscience, which the love of God and his word obliged you not to dispense with, for which you have been traduced to the king as haters of his person and laws, would be noticed; and you would vindicate yourselves with expressions of zeal for your lawful sovereign and native country, and show what you have suffered, and how long before you would any way appear in any method that would seem opposite to his authority, which you are persuaded hath been abused by evil counsellors. You would cheerfully, and with protestations of fidelity, offer your lives to his majesty's service, with a reservation of your religion and liberty: and you may justly challenge your enemies

who is now returned, bringing us a most just and encouraging account. He tells us, that a party being yesternight sent out to discover the numbers and strength of the rebels, they did attack a party of theirs, beating them in to their body, and killing one of their officers upon the place, and that the best information relates their number not to amount above six thousand; that their horse are now quartered in the new park of Hamilton, and their foot in the town thereof. As for our army, he tells us it lies within two miles of the Kirk of Shots, and consists of about ten thousand, being in good heart and condition to engage the rebels. Just now we have advice from my lord general, that, being supplied with necessary provisions, he intends once to-morrow to be within a mile of the enemy, so that comparing their forces with ours, we cannot doubt, by God's blessing and assistance attending our army and endeavours, in a very short time, by your grace, to give his majesty a good and satisfying account of a happy victory over them. We have no journals to transmit at this time, worthy of your trouble, or his majesty's perusal, we having, for these two days, been constantly employed in preparing and sending supplies and provisions towards the army, and in ordering some other necessary matters of lesser concernment. That nothing may be wanting which may encourage his majesty's forces in this expedition, which so much imports the security and establishment of his government, and the honour of the kingdom, shall be the zealous and assiduous study and care of

Your grace's most humble servants.

110813

1679. who talk so much of their loyalty, that none of them dare do more, or go further in obedience to lawful commands, and for the honour and safety of your sovereign, than you are ready to do. You may truly assert, that there are multitudes through the nation, who from many different reasons do not appear as yet with you, who are under the same burdens, and equally ready with you, upon the securing of religion and liberty, to answer his commands at home or abroad, and make his majesty a terror to his enemies, especially the papists. Those and such like expressions of your affection and zeal will stop the mouths of your enemies, therefore it will be your wisdom and interest to study to frame your hearts to such sincerity and zeal in this as may evidently discover itself. It may be added, you rejoice that you have one, and such an one, as above all others you desired to lay your case before, being hitherto dreadfully misrepresented to his majesty, and, by acts of non-addressing and intercommuning, rendered hopeless of all help, or mitigation of your oppression; all access by petition or otherwise being obstructed by law, and it being a crime to you or your friends to essay it. Further, he assures them, your enemies are disheartened many of them, both by scarcity of provision, and with the views of the unreasonableness of their quarrel, which at first they thought not upon. And it is reasonably supposed these discoveries will grow among them, and especially the gentry, among whom are divisions and dissatisfaction; and the militia will probably soon weary either in waiting or following: so that it is their design and great interest to fight suddenly, if conditions be not agreed upon; and their number is formidable, and many of them resolute, and they must not be despised. Therefore," adds he, "it will be most reasonable for you, damping to your enemies, and what will prevent blood, upon your not coming to an agreement, to keep at distance, and shun fighting for a time, unless you can do it with seen advantage, by a surprisal, ambuscade, or the like. In the mean time, you would not lie too sparse and open, but keep your body as close as you can; and let your scouts be many, strong, and at a good distance; in all which it is reported you are defective. Have a care you be not secure upon the Sabbath day: your enemies are waiting an advantage against you here, and endeavour to catch you unprepared to meet them. It is generally said and expected, that the duke is to demand the murderers of the bishop, therefore, if any such be amongst you, cause them shift for themselves; that the giving of them up, which it is like some of you will not incline to be active in, may be evited, and you freed of reproach upon this score. If you come to a treaty, you may represent, that there are a good many of your friends, wise and sober persons, who, though they have not joined, yet own your quarrel, and are alike therein concerned with you, whom you must consult, and have their judgment in what you do: and upon this score, urge a cessation of arms, and a liberty to them and you to meet together, to advise what length you may come in obedience to the duke's commands. And if their number be startled at, as supposing this a shift, you may name a few of these who may be most useful, and generally acceptable. An express came yesternight to the duke, they say, with orders for fighting: what his resolutions are thereupon is not yet known. His commission is very ample, and instructions large; and he will do therein as he finds meet. If he enter upon a treaty, it is likely he purposeth not to fight suddenly, though you would not be secure. If he enter not upon a treaty, be upon your guard. This is in great haste; the only wise God direct and assist you.

P. S. "It will be convenient the cessation of arms be only during the treaty, and the treaty as short as may be, because they expect great force from England and Ireland."

I have given the larger account of this paper, because it contains some hints at matters of fact I have not elsewhere met with. The advice was kindly given, and well received by a good many in the army, but their growing differences hindered their hearkening to any thing of this nature. Their former discord anent the state of their appearance, and their declaration, did a vast deal of hurt to the common cause,

and to both sides. When the reports of it came abroad, multitudes who were coming to the army were discouraged, and great numbers, when they came to the camp, and saw how matters went, very soon left them. And I find both sides, in their papers, complaining of this; Mr Hamilton's party especially, towards the close of this rising, and when the moderate party overbalanced them, complained that many came to the camp, and finding that the cause was not clearly stated, and the indulgence not plainly opposed, they left the army: the other side complain, I imagine, with as much reason, that many quit the camp, and more who wished them well, came not up, by reason of the heights and extremities run into by many.

As the time of the engagement approached, these differences run higher. The publishing the abovenamed declaration, June 13th, did very much ruffle those who opposed it; and they were not only broken in their affections, but the common soldiers were under no kind of discipline: their confusions increased, and numbers lessened much, before the king's army came up; and, as hath been hinted, they wanted skilled officers; their arms were out of case; they had very little ammunition, their rising being without any prior concert; and were in very melancholy circumstances.

It is unpleasant to me, and, I think, would be tedious to the reader, to run through all the differences which fell in among them. Upon their receiving the news of the duke's being come down, it was moved, that their army should be modelled, and officers chosen who had most knowledge of military business, and would be most acceptable to the men; and it was hoped this would help to introduce some order and discipline, and prevent men's coming and going as they pleased.

Before this proposal, some jealousies had been taken up, that some among them who inclined to heights, were of principles, and upon designs which could not be approven. This jealousy was strengthened by an incident which fell in: a person unknown to them, came into one of their meetings, with a paper, as he said, from some ministers and others, which they earnestly desired all might sign, for the removal of jealousies and surmises. The tenor of it was, "We the officers of the presbyterian army, do hereby declare, that we have no intention or design to overturn the government civil or ecclesiastic whereunto we are solemnly sworn by our national and solemn league and covenants; and that it is our judgment and opinion that all matters now in controversy be forborne, and referred to be determined by their proper judicatories, *viz.* a free and unlimited parliament, and a lawful general assembly." Whether this was a contrivance of the moderate party, to try the other side, or a paper sent by some presbyterians, who had not as yet joined the army, I cannot determine; neither do I know what part of this declaration was scrupled at, further than the answer given by Mr Hamilton and that side bears, which seems to fix upon the last part, and it was, 'That before signing that paper offered to them, they behoved to be informed more particularly what these things were, which were to be forborne till determined in a lawful parliament and assembly.' There was no more of this for a little space; and Mr Hamilton's party in their papers complain, that their enemies branded them with anarchical and antimonarchical principles, because they declined the signing of this paper. Be this as it will, the former motion was made by the moderate party, that officers should be chosen by common consent; and that all of them give it under their hands, that they had no design to overturn the government of the nation. The first party alleged, that such a subscription imported a groundless *innuendo*, as if some of them were engaged in such a plot. As to the officers, Mr Hamilton said, they had pitched upon the best they could think upon; and declared for himself and the rest who joined with him, that if the cause were right stated, and a day of humiliation gone into for their own sins, and the sins of such who joined with them, so that they could satisfy themselves as to the righteousness of the quarrel, they would most willingly demit, and would cheerfully ride as volunteers. Both of the proposals were dropped for a time. 1679.

But when the moderate party were ac-

1679. quainted with the duke's willingness to receive application from them, they urged upon the Thursday, or Friday before the engagement, the drawing an address to his grace, and the presenting of their grievances. The first party staved this off as long as they could, some of them being, as we have heard, against declaring themselves at present for or against the king's authority, and some from other reasons; yet it was not long this matter could be delayed now, for the king's army was marching up to them, and upon Saturday came towards Bothwell-muir.

I shall not remark any thing here of the severities and oppression of the country through which the king's army came, though I have in my view, considerable losses of money and goods, which the parishes of Livingstone, Shots, and Bothwell, sustained. Great confusion and outrages are ordinary in those cases: neither shall I notice what I find observed as to the uncautious, if not unskilful march of the regular troops westward, in a line, if it may be so called, for two miles of way. It is well for them they had as unskilful people to deal with, for if any body had been among the country people, knowing the art of war, the regular troops might have been attacked and scattered with a very small number. But I return to the state of the army now in Hamilton-muir.

The officers met upon Saturday, June 21st, where the moderate party were supernumerary, by the accession of a good many gentlemen of some note, who joined them, and could not well be excluded the meeting, which they named the council of war. At this meeting their debates run higher than ever, even when the enemy was within their view. Much of what had been formerly upon the field was now tabled, especially the matter of addressing and modelling the army. To begin with the last, it was urged, that all places in the army be declared vacant, and officers now harmoniously chosen, that they might be entirely one when the engagement came. The first party answered, They were most willing upon the conditions I just now narrated: the other side expressed their surprise that they must be forced to mourn for the sins of others, upon the supposition they were sins, and that their cause must be stated upon that; and thus the debates fell in again upon the indulgence, to that height, that some of the first party rose up and protested, that seeing there were severals come into the council of war, who were strangers, and they knew not their principles, and had never been in any of their meetings before, that none might be admitted to vote, but such whose honesty was known, and the stanchness of their principles. This was interpreted to be, that none should be admitted but these who declared themselves against the indulgence; and Mr Hamilton, who, as one of his own side acknowledges upon this occasion, "was often too forward, pretending to exercise a power which he had not, and that his carriage at this time gave just occasion of offence to both sides," opposed much the consulting with the ministers there, because, he said, none of the faithful ministers were present, but only such who owned the indulgence; adding, that since the sword was drawn, he thought it duty to appear against all sin. It was reported he laid his hand upon his sword when he spoke what follows; but Mr Hackston of Rathillet, in his relation of the divisions at Bothwell, denies this, but owns he added, "I have drawn my sword, and am equally ready against the indulged men and curates." So high did the flame rise at a time when harmony was absolutely necessary. The moderate side continued to urge to have leaders chosen who were most capable of that trust, whether for or against the indulgence, whereupon Mr Hamilton, and a good many with him, left the meeting, telling them as they went away, "That hitherto they had carried on this work, and now since they were setting up upon the foot of the indulgence, they had no freedom to venture their lives in that cause." The persons who went out with Mr Hamilton, as far as Rathillet, from whence I take this account, remembers, were, John Paton, William Carmichael, James Hendrie, Henry Hall, Andrew Turnbull, John Haddoway, William Cleland, Walter Smith, Alexander Ross, James Fowlis, David Caldwell, John Lowdon, Bewlie, Tweedie, John Hamilton,

James Johnston, and John Balfour. We are not to think that all these persons were of the same character, although at present, as people who had reasoned upon one side, and party men use to do, they withdrew. Some of them were very far from inclining to Mr Hamilton's measures, and several of them, some say, Mr Hamilton himself, subscribed the supplication to the duke. Those who remained choosed a new preses and a clerk, and fell upon their business. They were unwilling to nominate officers, when so many were absent, and only talked a little upon it; and the persons they spoke of were Major Learmond, John Paton, William Carmichael, William Cleland, Robert Fleming, and others. Nothing was concluded; but they came closely to consider of an application to the duke of Buccleugh, that being an affair could not allow of a delay; and I find they drew, and unanimously voted a supplication to his grace.

A copy of a supplication to the duke, is just now in mine eye, but whether it was what was agreed to by this meeting, I cannot say, or only a draught proposed to them. If this be not their very draught, there is little question but it would run in this strain; and it appears to have been calculate to introduce a second application. The reader probably will be desirous to see it, and it runs,

"To the right noble and potent prince, James Duke of Buccleugh and Monmouth, general of his majesty's forces now in Scotland, the humble supplication of the Nonconformists in the west, and other places of this kingdom, now in arms, in their own name, and in the name of all the rest of those who adhere to us in the church and kingdom of Scotland,

"Humbly showeth,

"That whereas we the presbyterians of the church and kingdom of Scotland being, by a long continued tract of violence and oppression upon us, in our lives, liberty, fortune, and conscience, and without all hope of remedy, cut off from all access of petitioning, and that by an act of parliament, and discharged to pour out our just grievances and complaints; and our lives being made so bitter by cruel bondage, as death seemed more eligible than life, the causes whereof we have partly mentioned in our declaration; and being, by an unavoidable necessity, driven unto the fields in arms, in our own innocent self-defence. And now looking on it as a most favourable providence, that your grace is come amongst us at such a time, of whose princely clemency, and natural goodness, and aversion from shedding of christian blood, we have had so savoury a report: we accept, with all thankfulness to God, of this opportunity to lay before your grace our sad grievances and humble requests; all which, we know, will be misrepresented to your grace, by such who have studiously, yet without any just ground, except in the matters of our God, been the principal actors of our sad and deplorable sufferings. May it therefore please your grace to grant liberty, under safe conduct, to some of our number, to address themselves to your grace, and to lay open our heart in this matter, and that some speedy and effectual redress may be, by your grace's favour and authority, made, to the establishing of the nation's peace. In doing whereof, your grace shall do that which is most acceptable to the Lord, commend yourself to the generality of the people, as a reliever of the oppressed, and a seasonable preventer of all the miseries and ruins that threaten this poor land, yea, and we doubt not shall bring upon you the blessings of many thousands, men, women, and children, though not with us, yet sincere lovers of us, and favourers of our righteous cause. That the good Lord may incline your grace's heart to this, is the humble desire and earnest request of,

"May it please your grace,
"Your, &c." 1679.

After the meeting had resolved upon a supplication, pains was taken to get in the officers, who had withdrawn, to sign it. This, and some other things, cost them so much time, that the supplication was not sent that night; and a good many were content to put their hands to it ere next day. To-morrow, Sabbath, June 22d, the duke and his army were come to Bothwell

1679. muir, and their advanced guards to Bothwell town, within a quarter of a mile of the bridge. The country men lay encamped on the south side of the river of Clyde, in Hamilton muir, and had an advanced party ready to dispute the passage at the bridge over the river, called Bothwell bridge, if the king's army should venture to essay it.

Mr David Hume, and the laird of Kaitloch, and, some say, Mr John Welsh, had been named to go to the duke with the supplication; and, upon the Sabbath morning early, they went in disguise: yet Claverhouse, having some jealousy of them, watched them upon their return, and having got some hint of them, saluted them by their names. They had very ready and easy access to his grace, and, beside the supplication, it seems, were instructed to make the following demands. 'That they might be allowed the free exercise of religion, and to attend gospel ordinances dispensed by their own faithful presbyterian ministers, without molestation: that a free parliament, and a free general assembly, without the clogs of oaths and declarations, should be allowed to meet, for settling affairs both in church and state; and that all those who now are, or have been in arms, should be indemnified.' The duke heard their demands very patiently, and told them, 'that the king had given him no express instructions concerning these matters, but assured them, upon his honour, he would interpose, and use his interest to the utmost with his majesty for granting their desires; and he was very confident he would be able to procure from his majesty satisfaction to them, for he reckoned their desires reasonable and just: but, in the mean time, he acquainted them, that he would engage to do nothing, nor so much as come in terms with them, till they laid down their arms, and betook themselves to his mercy; and despatched them back to their friends, and ordered them to bring him information, in half an hour at farthest, whether they would accept of quarters upon these terms, and at the same time he gave orders to his army to advance toward Bothwell-bridge.'

Now the fatal nature of their divisions began to appear. When the commissioners came back, the officers fell a debating, and would come to no resolution. Mr Hamilton, who assumed the general command, was against all accommodation, and others did not relish the proposal of laying down their arms; in short, they were quite disjointed and broken, and nothing was agreed upon, nor any answer returned to the general. So the lord Livingstone, upon the head of the foot-guards, came up with the cannon to force the bridge. A guard of two or three hundred country men were set to keep the bridge, consisting of Kippen and Galloway men. Hackston of Rathillet was one of the commanders of this guard, and showed abundance of bravery, and the men defended the bridge with a great deal of gallantry. Several of the soldiers were killed, the country men stood their ground near an hour, making a brisk resistance, till their ammunition failed them. When they found their powder and ball falling short, they despatched up to their general, either to send them down ammunition, or a fresh body of troops well provided. Instead of this he sent back orders to them, forthwith to quit the bridge, and retire to the body of the army, which at length with very sore hearts they did, their main strength lying in keeping that pass. Thus it was most shamefully parted with by brave men, for want of necessary supply: had they maintained that pass, which might easily have been done, all had been well; but when it was lost, there was no more resistance made to the king's forces.

The duke, upon this, ordered the whole army to pass the bridge, with cannon before them, which they planted against the west country army, and played a little upon them. Meanwhile the king's forces drew up very leisurely behind their cannon; nor did Mr Hamilton, as far as I can learn, ever once aim to attack them, or give any orders for it, when they were coming over, or forming themselves on the south side of the bridge.

All my accounts agree, that the duke's cannon playing upon the horse on the left of the country men, either disordered them, or made them think themselves in hazard, and essay to shift their ground. But after this, the papers giving account of this

business differ, so that I can make nothing of them. Rathillet, in his narrative, says, "When he came up from the bridge, and the army was formed and seemed very hearty, upon a sudden the cry rose from the troops and the companies on all hands, that their leaders were gone, which, adds he, were the men who were inclined to the indulgence, either flying or seeking a parley with the enemy, though all favour had been refused, unless we would lay down our arms, and come in their will." The papers on the other side blame Mr Hamilton and his party as discouraging the men, and doing nothing but clamouring against those who were sent to the duke, and such as were for an accommodation; they allege, Mr Hamilton, and these who were warmest, were soonest out of the field.

I have seen many and various narratives of this action; the plainest and most probable account I can give from them, is, that the duke's cannon did reach the horse on the left of the country army; whereupon they wheeled to take up another ground a little higher, but were never able to make their horses face the cannon; and, in the wheeling, or taking up their ground, they fell foul upon some of their own men formed near them, and put them in some disorder: and those nearest them, seeing this, took it to be a flight, and the whole army fell into confusion, and fled; and one who was present there writes to me, Mr Hamilton was among the foremost, "leaving the world to debate whether he acted most like a traitor, coward, or fool." I would not set down so severe a remark upon this gentleman, were it not that I find almost every body blame his conduct at this time. The bringing up the party from the bridge was certainly a mad step, and they ought to have been supported to the utmost, and not called off. I have this following passage also well vouched. Captain Thomas Weir of Greenridge, whom, I find, Rathillet represents as an occasion of disordering some of the foot, when he saw a body of the king's forces get over the bridge, and but a forming, wheeled about his troop, and the Galloway troop, commanded by captain Macculloch, joined with him, and was riding down to attack them. Mr Hamilton came off to him, and said, "What mean you, Captain? will you murder those men?" Mr Weir answered, he hoped there was no hazard, and that he might give a good account of all the horse yet come along the bridge, especially when but forming. When Mr Hamilton found the captain's troop resolute, he dealt with the Galloway troop, and represented and magnified the difficulties, so as they shrunk, and so the captain was obliged to retire back with them. My informer is of entire credit, and had it from Greenridge a few days after the engagement, whom he represents as a pious sensible gentleman. In short, the horse and Mr Hamilton rode off, and left the foot entirely to the mercy of the king's army. The regular troops perceiving the country men in this pickle, advanced with all speed upon the foot, now perfectly naked; they fled all of them, except a body of about twelve hundred, who surrendered prisoners of war, without stroke of sword. The horse got mostly off, and many of the foot took the banks and woods thereabout. * 1679.

Never was a good cause and gallant army, generally speaking, hearty and bold, worse managed; and never will a cause, though never so good, be better managed, when divisions, disjointings, and self creep in among the managers. And indeed, had there been any skill to manage, I am told,

* The editor of Kirkton is greatly offended with our historian, because he has taken no notice of the "gallows" which stood near the scene of the skirmish, and which captain Creichton says was erected by the covenanters for the execution of the soldiers whom they expected to take prisoners in battle. That such writers as Hugo Arnot and C. K. Sharpe should reiterate the tale with full credit, is not surprising; but if such a story had existence in the days of Wodrow, he probably held it in such contempt as to be unworthy of notice. The report is absolutely without foundation; and nothing save the violent spirit of party could have given rise and currency to it. That a gallows stood in the field near Bothwell there can be no doubt, as it is attested by both sides; but the history of its erection on that particular spot, we are certainly not bound to ascertain. Dr M'Crie's idea is probably the best; that it had been erected as the ordinary place of execution by the sheriff and justiciary court of the middle ward of Lanarkshire, which he proves from unquestionable evidence to have been held at that time at Hamilton. See Dr M.'s Notes on Ure's Narrative.—*Ed.*

that the regular troops were ex-
1679. tremely open, both in their march, and especially in their attack; and nothing but the views of these divisions, and unskilfulness, can justify the duke, and other officers with him, in attacking an enemy at such a narrow bridge, where the water was not fordable near it, far less in marching his army through so narrow a pass, under the shot of troops, who were reputed as resolute as his own. But he knew whom he had to deal with.

There cannot be any full account given of the slain, because they were just murdered up and down the fields, wherever the soldiers met them, without mercy. It was reckoned there were about four hundred killed, and twelve hundred who surrendered prisoners in the muir. The soldiers brought in few or no prisoners, but cut off all they met with. Some papers bear, that there were but two or three killed at the bridge, and in the muir, bushes, and woods near by, upwards of three hundred. There were not many of note killed, that I hear of. Whether it was this day, or the following, I know not; but, at this time, that excellent person, William Gordon of Earlston, who was coming up to the western forces, was killed by the English dragoons, who behaved but very cowardly at the bridge. I am informed, that the predecessors of this ancient family entertained the disciples of Wickliff, and had a New Testament in the vulgar tongue, which they used to read in meetings in the woods about Earlston house. And, as if the death of so good a man had not been expiation enough for this crime, his lady had her jointure seized, her house spoiled, and many horses and cattle taken from her.* I hear also, that good man, Mr James Smith, brother to Mr Hugh Smith, of whom before, was barbarously killed near the Nethertown of Hamilton. Neither were there many of note taken prisoners at the action.

It is said, the English dragoons, the Highlanders, and some volunteers from Perth and Angus-shire, were very bloody, and gave no quarter. And had it not been the merciful temper of the general, and the influence and interest used by a considerable number of noblemen and gentlemen this day waiting upon the duke, certainly there had been a much greater slaughter of the foot. Notwithstanding of the general's care, no small severities were committed by the soldiers: I shall only give a few instances. When the body of foot in Hamilton muir surrendered themselves, they were all of them not only disarmed, but stript almost to their skin, and made to lie down flat upon the ground in the muir, with strict orders not to stir out of the posture, and a strong guard set upon them. One of them turning himself to a more easy posture, set up his head a little; and when one of the soldiers perceived this, he shot him dead in an instant. Several persons were that same day killed upon the road near Hamilton, who were unarmed, and coming down to hear sermon at the camp, or upon some other occasion, and knew nothing of the engagement, or that the king's forces were come over the river. Thus two serious persons in Glasford parish, James Scouler and Gavin Semple, though they had no arms, were barbarously murdered upon the highway, and six belonging to Evandale parish, John Browning in Kype, Robert Stobo in Strathaven, William Hamilton in Threestanes, Robert Steel in Adstonhead, William Pate there, and Archibald Dick; these were severally met by the soldiers. Upon their declaring ingenuously that they were coming down to hear sermon, the soldiers shot them as they found them. This cruelty will make the reader less wonder at their severity to Robert Finlay in the parish of Stonehouse, whom they catched on the road, and he acknowledging that he was indeed coming to the army, though he wanted arms, they straightway despatched him.

I shall end this melancholy subject with a well vouched account I have of Arthur Inglis, a pious, sober, honest man, in the

* His son Alexander was in the action, and narrowly escaped in the flight, by means of one of his tenants, who recognizing him as he rode through Hamilton, advised him to dismount and hide his horse furniture in a dunghill, and get into a house and put on women's clothes and rock the cradle, by which means he passed unnoticed. Crookshanks, vol. ii. p. 15. This family is now represented by Sir John Gordon of Earlston.

Nethertown of Cambusnethan. He had not been at Bothwell, but, upon Monday, June 23d, he was looking after his own cattle feeding upon a ley, and had sit down in a fur among his own corn, and was reading upon the Bible; the place was two or three miles from Bothwell, and the high road came near it. Some of the soldiers were coming that way, and perceiving him reading, concluded he was a whig; and, when at a little distance, one of them discharged his piece at him, but missed him. The good man, conscious of no guilt, and probably not knowing the shot was directed at him, only looked about to the soldiers, and did not offer to move; they came straight up to him, and, without asking any questions, clave him in the head with their swords, and killed him on the spot. By these hints we may guess what was done by the soldiers up and down near the place of action; and indeed they spared nobody almost they met with.

The loss of the king's army needs not to be computed: it was perfectly inconsiderable; a few were killed at the bridge; after that there was no resistance made, except in the woods, where I hear two or three of the soldiers were killed.

Perhaps I have spent too much paper already in animadverting upon the author of the Caveat *for the Whigs*. I shall take my leave of him, with observing his gross blunders and lies in his representation of this action at Bothwell. That scandalous paper is not indeed worth noticing, were it not to expose his masters who employed so worthless a tool. He libels the duke of Monmouth, because he was not in the interest of the duke of York, and the Popish faction, alleging it was his mercy and forbearance made the west country army insist upon terms; and among other things, that the covenants should be renewed. The duke was civil, and not for shedding of blood, if it could be prevented; but still he pushed his point, and would not treat till they laid down their arms; but the renewing the covenants was none of the terms they sought. This writer talks in his following sentence like one stupidly ignorant of Scotland, and says, "The rebels thought to have marched off to Carrick and Galloway, in order to *furnish* themselves with arms and ammunition, which was landed at Borrowstonness, besides what was further expected from Holland." That is, they went west and south to get that which was in the east. And it is perfectly a fiction of his own, to get in the republican Dutch to the story, that arms were landed at Borrowstonness, and more expected from Holland. I may venture to assure this dabbler in politics, that this plot, as he thinks it, was not so deeply laid, and their correspondence did not reach so far. He falsely asserts, "Old Dalziel honestly resolved to end the matter." He may depend on it, that old and bloody man had none of the honour of that day. Any thing of this belonged to the duke of Monmouth, and Dalziel was at Edinburgh. Indeed, upon his receiving a commission, as we have heard, he came west after the defeat. To complete the glory of this day, he doubles the number of the slain, and makes them eight hundred. The more were slain in the circumstances above narrated, the less honourable it was for the murderers. And he alleges, the rebels' 1600 horse might have been cut off, had not the duke given orders not to pursue them, which is just as true as the number of the slain. Upon these falsehoods, and some others, such as the insurrection's being within two weeks after the bishop's murder, he raises his scheme, that there was a correspondence with England, and that Shaftsbury and other patriots there, were to have renewed the covenants in Scotland. The insisting so long upon these roveries deserves an apology. 1679.

The observes I have made upon the Caveat for the Whigs, will shorten my remarks upon the account given by Mr Archdeacon Eachard, of our Scots affairs this year. There is so great an agreement in the narratives given by both, that it looks as if the last had copied from the first, both in this account of the bishop's murder, and this affair of Bothwell. Mr Eachard's story of so many copies of Shaftsbury's speech coming by post to Edinburgh, and the pretended correspondence betwixt presbyterians and the country party in England, have been already considered. He ought

1679. to have brought some proof for what he adds, "That the malecontents in Scotland, thus animated from England, began at their conventicles to display the banners of Jesus Christ, as they called their colours." But indeed it can never be proven, and I can assure him, there was never a pair of colours at a field-conventicle in Scotland. And a writer of Mr Archdeacon's reputation, ought not to advance such glaring untruths as we meet with here. Of this sort are the scrapes which follow from the sermons at conventicles; and the lists, dropt with the primate in the head of them, of men to fall by heroical hands. The only foundation for this was the paper posted up in Cowpar, which was not a list of this nature. His account of the archbishop's murder is mostly taken from the narrative before insert: but his fixing it upon Shaftsbury's speech, because this happened to be before it some weeks, with his making the commons address against Lauderdale, a kind of consequent of it, are stretches the archdeacon will be ashamed of when he reflects upon them, and considers the true state of things above. His account of the skirmish at Drumclog, June 1st, seems copied from the Caveat or his authors; and the blunders of proclaiming the covenant at Ragland, and their numbers and commanders, have been considered, with the foolish account that follows of the proclamation at Glasgow against the "bishops and their bairns." In Scotland the untruth of these is well enough known; and it is pity Mr Eachard should lessen his own character, by publishing such things again. In the short hint he gives of the defeat at Bothwell, he has the misfortune not to have one true article almost. He says, the duke at Bothwell-bridge fought the rebels with great fury, whereas there was on the matter no proper engagement. The soldiers indeed murdered the poor, fleeing and unarmed country men with fury enough, and, adds he, "Though seventeen thousand in number, entirely routed them." From what authority he makes them near six times more than really they were, he can best inform us; even the Caveat falls not in this blunder, whom he follows in the numbers of the killed. And I am glad, for the archdeacon's sake, that he has not copied him in the account of the whigs going to Carrick and Galloway to meet with the arms come to Borrowstonness. However, in time to come, I hope Mr Eachard will look better to his vouchers in our Scots affairs.

Thus I have given as distinct an account as I could of this rising, which ended at Bothwell.* I have essayed impartially to

---

* Those who wish to compare *different* accounts of the battle of Bothwell bridge, may look into Russel's account in Kirkton's History, edited by Sharp, p. 470, &c.—Ure of Shargarton's, in M'Crie's Lives of Veitch, &c.—and Wilson's Narrative—Blackadder's Life by Crichton, p. 220—223. We shall insert Law's account, as given by him in his Memorials, as it may not be so easy of access to a number of our readers.

"May 1679. The field-meetings in the west turning so tumultuous, as that many of the people were in arms, the estates ordered some troups of horse to notice them; betwixt whom there were some skirmisses and blood on both sides. Att length they draw to some number, having over them Robert Hamilton, brother to Preston Hamilton, and come down to Rougland, and there put out the bonfyres on the 29th of May, keept for the king's birth and restoration day, and publish their declaration and causes of rysing, disclaiming the king and his interests, and that they did rise to bring down the bishops. Some few days after, they fall in upon Glasgow, where my Lord Ross with 800 men were barricaded at the cross, and were repulsed by him, and some killed. This done, they cross the water at Bothwell bridge, and severalls gather to them, even from Fife, Kippen, and other parts about on the north syd, as well as from the west, south, and east, and there they encampe: the country about sent them victualls. Att length Mr Welch comes to them with supplyes of men and horse from Galloway and Carrick. He emmittes a declaration, wherein he recites the great injuries done to the church in introducing of prelats, the casting out of the ministrie, and imposing on folk's consciences, the great oppressions of the land, &c. as the cause of their rysing; but yet withall includes the king's interest, as did the league and covenant, for he keeps by the same words; and forces the printer of Glasgow to print it, and then they published it. This raised a great heat among themselves, for Mr Welch and some ministers with him were for declaring for the king's interest according to the covenant; Robert Hamilton, their governor, with Mr Kid, Mr Douglass, two probationers, and others that followed their way, were for disclaiming the king and his interest. Some of their preachers were confident of victory, and prophesied so far to their hearers, particularly Mr Cargill. This poor multitude, so led with divided and dividing pastors, at lenth come to battell on the 8th * of June, 1679, viz. or the Sabbath day. The states having raised the militia in the north, and gathered together all the trained bands, with four cannons, the

* This is clearly a mistake—It should be the 22d.—*Ed.*

state their differences as far the papers upon both sides, come to my hand, would carry me, and narrated matter of fact; and the more largely, that these were the beginnings of the sore divisions which fell in afterwards among the suffering party: and because the misgiving of this effort and struggle under church and national grievances, may be landed upon them, I wish these accounts of them may be of use to warn and guard the church of Scotland in all after times against extremities. I come now to the consequents of this defeat, which I put in a new chapter, and with it shall end this year.

CHAP. III.

OF THE CONSEQUENTS OF THIS RISING AND DEFEAT AT BOTHWELL, AND OTHER THINGS THIS YEAR, 1679.

MUCH of the persecution and harassings of thousands, for nine years following, may be reckoned consequents, and some way the fruits of this defeat I have been describing: what I have in view upon this chapter, is the severities which followed during this year, and more immediately those exercised upon the prisoners. I know well the managers defend their cruelties, by alleging the rebellious nature of this rising. The reader, after what is set down above, must judge for himself. We have seen this appearance was not reckoned rebellion when the nation came to their senses after the revolution. Quarters were offered by the duke of Monmouth, and even intercession to have their desires answered; and, I question not, pacific measures had been gone into, if the duke of York and papists had not prevailed at court, but they turned matters soon upon the severe side, with respect to presbyterians. All I have further upon this year shall be brought in upon this chapter, where the harassings of the country, and actings of the government and army immediately after the defeat at Bothwell, the treatment of the prisoners, the trial and execution of severals who had been in that rising, the circuit courts this year, and forfeitures which followed, together with the state of presbyterian ministers, and others who had not been in the rising, the third indulgence, and the turn of affairs in the close of the year, by the coming down of the duke of York, will be subjects for the following sections. 1679.

SECT. I.

Of the immediate consequents of the defeat at Bothwell, the harassing of the country, and the actings of the government and soldiers.

ONE of the first consequents I notice of the

king also having sent down the duke of Monmouth, his son, with some Inglishes, he commanded in chief the king's forces; and having a great tenderness towards the poor misled multitude, and offered them peace on condition of laying down their armes and going home, and to deall with the king for satisfaction to their demands, in what he could; but all could not availl with Mr Cargill, Kid, Douglass, and other witless men amongst them, to hearken to any proposals of peace. Among others, that Douglass, sitting on his horse and preaching to the confused multitude, told them that they would come to terms with them, and like a dron-bee, always droning on these terms, with them;—they would give us a half Christ, but we will have a whole Christ, and such like impertinent speeches as these, good enough to feed those that are fed with wind, and not with the sincere milk of the word of God.

Monmouth, finding that they had refused termes of peace, gives orders to fall on. Robert Hamilton, who was their generall before, now declynes to govern them, so that every one of them are left to themselves. There were about three hundred of them that keept the pass of the bridge of Bothwell, for there was the fight, and did it very stoutly; but when they cry'd for help, Hamilton declyned to send any; and when the king's forces were coming over the bridge, there goes off five or 600 men to meet them. But Hamilton calls them back, telling them we will give them fair play, and so suffered them to advance, which when they had done with their cannon, the king's forces fyres; and on the first fyre of the cannon, Robert Hammilton turnes his back, and all the horsemen fled with him, leaving the foot to be cutt down, which, when the duke of Monmonth perceives, he gives orders to spare the poor countrymen, and yet, notwithstanding, there was cutt down that day 800 of them, and 300 taken prisoners. Among them that were taken was Mr Kid, and after him Mr King, two of the preachers, and were afterwards execute at Edinburgh. Many of them that were taken were sent abroad and perished by sea. These people, whiles they were a gathering, ranged through all the country and citys they could come at, and took all the arms, gunns, and swords they could, and best horse, without recompense." Law's memorialls, p. 149, 150, 151.—*Ed.*

1679. defeat at Bothwell, is the hazard the city of Glasgow, the town of Hamilton, and the country round the place of action were in, had not the good nature of the duke of Buccleugh and Monmouth prevented it. The officers of the army who had been at Glasgow, major White, Claverhouse, and others of their cruel temper, solicited the general to ruin the west country, and burn Glasgow, Hamilton, and Strathaven, to kill the prisoners, at least considerable numbers of them, and to permit the army to plunder the western shires, who, they alleged, had countenanced the rebels. The general abhorred so unnatural a proposal, and rejected it with detestation. However, from it we may remark the sad pass this poor kingdom was at, when the army made such proposals: and the reader will easily foresee what their carriage will be the succeeding years, when the power is in their hands. I find, when they were balked in this, they proposed, that at least the soldiers should be allowed three or four hours to spoil the disaffected houses in the city of Glasgow, because of the favour shown there by many to the west country army: but this was likewise peremptorily refused. Yet it is said, that the town of Glasgow was obliged to quit to the town of Edinburgh, for the behoof of some particular persons who were to be gratified, a debt of thirty thousand merks they had upon the Canon-mills, that they might be saved from plunder at this time.

It would be endless almost to enter upon the ravages and spulies committed by the king's forces, upon the adjacent places, immediately after the engagement at Bothwell. Many persons in Hamilton were spoiled of their household plenishing, and cited before the council and circuit courts for converse with the rebels, and some of them imprisoned and fined in very great sums, although they were not in arms: and it was perfectly impossible to evite converse with the west country army, they lying in and about that town for several weeks. Some gentlemen who got council grants of fines, and the sheriff-depute made money by their vexatious processes upon these pretexts for several years after this.

Arthur Tacket, a boy of eighteen years of age in the town of Hamilton, had gone out with his gun the day of the defeat, but soon got into his mother's house in that place. This coming afterwards to be known, he was in a little time seized by the laird of Raploch, who carried him in prisoner to Edinburgh; where some years after, as we shall hear, he was, notwithstanding of the indemnity, executed for his being at Bothwell.

The king's forces, when pursuing the scattered country people in the places near by, took all the horses of any value which they found in the possession of such who were no ways concerned in Bothwell: and it was their way, either to carry them with them, or to make the owners pay very near their value for them; and when they had done so, they were in hazard to be plundered by the next soldiers who came that way. Thus in the parish of Cambuslang the soldiers took away, in horses and money, to the value of 500 merks from four farmers, without the least reason or provocation. A large list of oppressions this way from the parishioners of Blantyre, Kilbride, Cambuslang, Monklands, Bothwell, and Hamilton might be given. I have just in mine eye an account of the losses sustained by the east end of the parish of the Shots, at the retiring of the soldiers and militia after Bothwell, and it runs above £500 sterling. From which we may infer what a swinging sum the total would have been, which was exacted from the parishes round about, had the accounts of them been preserved. The reader will further observe, that in all the parishes through the kingdom, where the managers or soldiers got notice of any who had been at Bothwell, there was a continued tract of plundering, quartering, and spulie for seven or eight years, and that not only upon the families of such who had been, or were said to have been there; but their relations, friends, and neighbours, and all who had any dealing with them; yea, those cruelties were exercised upon all who did not comply with prelacy, and abet and assist the soldiers in their rapine and outrages; so that some of the most exact conformists themselves did not escape, when they were either so generous, as not to

turn informers, or merciful, as not to fall in with every severe method now proposed.

The finings and forfeitings of persons of substance and estates were innumerable, some of the last may come to be noticed in this chapter, and in the progress of this work. It is very true the king emitted an indemnity, but we shall just now hear how clogged it was; and the circuits, justiciary courts, and multitudes of executions which followed for some years, are sensible proofs that our managers in Scotland, who were much influenced by the clergy, had sufficient interest to put a stop to any of the king's favours this way. And, as we shall hear in a little time, most part of the gentry of the western shires, of any piety and tenderness, or who would not go into the measures of the time entirely, though no way accessory to this rising, were brought to inexpressible trouble. They were harassed before circuits, tossed by frequent appearances before the council, imprisoned and exorbitantly fined for alleged harbour, reset, and converse with such who had been at Bothwell, or were informed against, as having been there; and there was no way of escaping, but by taking the self-contradicting oath of the test, and the bond of regularity, whereby they were tied down to hear the curates, and delate presbyterian ministers who exercised any part of their office; all which will appear evidently in the following history.

One instance at present shall suffice to vouch those generals. A worthy gentleman in Lanarkshire, Sir Thomas Stuart of Cultness, son to Sir James Stuart late provost of Edinburgh, of whom in the preceding books, a person of an eminently holy life, shining conversation, and many other excellent endowments, was obliged, after Bothwell, first to abscond for some time, and then to retire to Holland, and take upon him a voluntary banishment till the happy revolution, orders being issued out to apprehend him upon a suspicion, without any legal proof, that he had supplied some of the country men going to Bothwell, with meat and drink. It was not so much as pretended that Sir Thomas, or any of his family and servants were there: he had indeed refused or declined to put poor people his tenants out of their possessions, for hearing the gospel in the fields, or in houses; and would not be active in persecuting others, who suffered for conscience sake. Upon these grounds he was forced to flee his native country, and lurk among strangers, to the great prejudice of his family and estate; and, in absence, when they knew he could not answer their citation, he was forfeited upon most unjust grounds, and defrauded of the incomes of his estate until King William's happy accession to the throne. 1679.

After these general hints, let me notice the procedure of the government, the bond, proclamations, and indemnity issued out after the defeat at Bothwell. Other incidental matters which fell in June and July this year, I leave to the last section, that the reader may have the treatment of such as were concerned in this rising all together.

From the books of council, I shall here give some narrative of the managers' procedure immediately after their defeat, and bring in here the actings of council, during the remainder of this year, except what relates to the prisoners, circuits, and other heads, which will fall in under the following sections.

The laird of Lundin brought the council the first account of the defeat of the west country army, June 22d, and that night they send off a flying pacquet to Lauderdale, with an account of the action, which I have insert below.* At the same time they

* *Council's letter to Lauderdale, June 22d* 1679.

May it please your Grace,

We send this flying pacquet with great joy, that your grace may give his majesty the good and happy news of a total and absolute victory, obtained this day over the rebels, by his majesty's forces in this kingdom, under the conduct of his grace the duke of Buccleugh, which happened in this manner. This morning, by seven a clock, our army was drawn up at Bothwell-bridge, which the enemy (lying on the other side thereof) had barricadoed. Here a supplication is brought to the lord general by one of the rebels, giving him notice, that they would lay down their arms upon no other terms than these expressed in their large declaration. His grace told the bearer, these were destructive to the king's authority, and fundamental constitution of this kingdom, and that they were to expect no other articles from him, but to lay down arms, and render themselves to his mercy. This they refused to do, and immediately the guns began to play upon

1679. write to colonel Struthers in Northumberland that he secure the borders, and stop and imprison the rebels who shall endeavour to escape to England, and order all the boats of Queensferry, and the south-side the Frith, to lie on that side, that none get over to Fife. June 24th, they despatch another letter to Lauderdale, wherein they acquaint him, "that they have not yet full accounts of the victory, but they hear 800 rebels are slain, and more than 1100 prisoners. They assure him of their care to get all information possible from the prisoners, and discover such as skulk and hide themselves. They take notice, that his majesty hath, by this victory, an opportunity to secure the monarchy, church, protestant religion, and liberty of his subjects, against all after attempts. They promise, for their part, so to execute the laws against rebellion, faction, and schism, as the king shall direct them, without gratifying the humours of such as are apt to grow more insolent by his majesty's grace and goodness, and have been encouraged and hardened in an obstinate opposition to the church, by his condescensions and indulgencies. They add, that the general, with the army, are within two miles of Strathaven; that the prisoners are come to Edinburgh, and ask directions how to dispose of them; and propose, that after the ringleaders are punished capitally, the rabble may be transported to the plantations, never to return; for which end they desire one of his majesty's frigates to be sent down to Leith." That same day they write letters to Queensberry and Nithsdale, that they guard the passes, and endeavour to secure the rebels, and prevent their going over to Ireland.

Upon the 25th of June, the council receive a letter from the general, wherein he acquaints them, "That he had sent parties beyond Newmills and Douglas, who had informed him the rebels had passed by those places in great haste, and small parties; that he reckons them now dispersed, and has ordered home the militia regiments, and desires them to stop those that are coming up." That day they order Henry Ker of Graden, to search for Turnbull of Bewly, Turnbull of Standyhill, Henry Hall and Mr Archibald Riddel who were at the rebellion, or abettors of it. Next day, June 26th, in their forenoon's sederunt, before the duke of Buccleugh and Monmouth comes up to them, they publish their proclamation of this day's date, against the reset of rebels, &c. which I have insert below.* Therein the reader will see the names of the per-

them, which did somewhat disorder them. Then a party attacked the bridge, and after some short dispute, carried it. The rebels being beaten from it, retreated a little, and stayed at some distance till most of his majesty's forces were got over that pass. Soon after, by some more play with the guns, and another assault, their horse began to run, and scatter upon all corners, leaving their flying foot to the mercy of our army, who pursued them with all diligence and zeal, and have killed some hundreds of them, and taken many hundreds prisoners. Many of the foot fled into the wood of Hamilton, which is surrounded by a party of his majesty's forces; and a detached party under lieutenant colonel Douglas, is sent in after them, which will give a good account of them. Our army is still in pursuit of the rebels, when Lundin came away about ten a clock, who, having been sent from us to wait on the general, had the good fortune to be an actor, as well as a witness in this engagement, so that his majesty may be assured, that this is a total rout and discomfiture of these insolent rebels. The lord general hath behaved himself with exceeding great conduct and magnanimity, and all the officers, gentlemen and soldiers have carried themselves with great cheerfulness and resolution against the enemies of our religion, king and country; and above all, the mercy of God hath been most signal and wonderful to us, even to a miracle, in so much, that though the rebels were near seven thousand, yet are they totally routed without any loss to his majesty's forces, save of two or three common soldiers. We doubt not but by God's mercy and blessing, and our gracious sovereign his royal wisdom, this glorious victory shall be so pursued, as that the rebellion and schism shall be plucked up by the roots in Scotland. A more full and particular narration shall be sent to your grace so soon as we receive it. Meanwhile, upon receipt of the flying pacquet, we met at twelve a clock, where the lord chancellor delivered the commission sent from his majesty to general Dalziel, who is immediately to repair to the army, and to enter upon his charge. Nothing shall be omitted by us for securing of all ports and passages, for seizing and apprehending such of the rebels as may endeavour their escape, or any thing else which may contribute to the utter extinguishing of this violent flame, which may be expected from

Your grace's humble servants.

* *Proclamation against rebels, June 26th*, 1679.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to all and sundry our lieges and subjects, whom these presents do or may concern, greeting. Forasmuch as, upon the first notice given to our privy council of the rising and gathering

sons of most considerable note, who were in the west country army, and many of them I take to have been officers, as Robert Hamilton, John Paton, major Learmond, William, afterward lieutenant colonel Cleland, John Balfour, the lairds of Balquhan, Barscobe, John Wilson, afterward executed, major Ross, captain Weir, the lairds of Rathillet, Kaitloch, Shirgartoun, Bankhead, Montgrenan, Bedlan, Earlston, Freugh, Craichlaw, Bewlie, Standyhill, Greddin, Vrats, and Murdoch, the lord Cathcart's two sons, Henry Hall and others, and all the ministers and preachers they could hear of, with the persons alleged to be concerned in the attempt on the archbishop. I find the council owning mistakes in this proclamation: They declare, July 18th, 1679. that Robert Stuart of Revenston, and William Stuarton Castlestuart, brothers to the earl of Galloway, have made it evident before them, they were not in the rebellion; and upon the last of June, they declare that Brice Blair of Fenwick is wrongously insert in this proclamation. But these are not all the mistakes the reader will find upon the perusal of this proclamation. I do not much enter upon them, since frequently the misrepresentations of the penners of public papers at this time have been noticed. All who had been at Bothwell, are made traitors, and the rising a desperate and avowed re-

---

of these disloyal and seditious persons in the west, who have of late appeared in arms in a desperate and avowed rebellion against us, our government and laws, we did declare them to be traitors, and discharged all our subjects to assist, reset, supply, or correspond with any of them, under the pain of treason: and the said rebels and traitors, being now (by the blessing of God upon our forces) subdued, dissipated, and scattered; and such of them as were not either killed or taken in the field, being either retired secretly to their own homes and houses, expecting shelter and protection from the respective heritors, in whose lands they dwell, or lurking in the country; and we, being unwilling any of our good subjects should be ensnared, or brought into trouble by them, have therefore, with advice of our privy council, thought fit, again to discharge and prohibit all our subjects, men or women, that none of them offer or presume to harbour, reset, supply, correspond with, hide or conceal the persons of Robert Hamilton brother german to the laird of Preston, John Paton in Meadow-head, alias captain Paton, Joseph Learmond, alias major Learmond, William Cleland John Balfour of Kinloch, Whiteford of Balquhan younger, M'Clellan of Barscob, John Wilson son to Alexander Wilson town-clerk of Lanark, Ross pretended major, Thomas Weir brother to Kirkfield, Hackston of Rathillet, Carmichael son to the earl of Wigton's chamberlain, Cannon of Mardrogat, Mr William Fergusson of Kaitloch, James Russell in Kingskettle, George Balfour in Gilston, Andrew and Alexander Hendersons sons to John Henderson in Kilbraichmont, Andrew Guilan weaver in Balmerino, George Fleming younger of Balbuthy, Robert Dingwal son to Dingwal in Caldhame, Mr Samuel Arnot, Mr Gabriel Semple, Mr John Welsh, Mr John King, Mr Donald Cargill, Mr George Barclay, Mr John Rae, Mr Thomas Douglas, Mr Forrester, Mr Robert Muir, Mr Lamb, Mr Richard Cameron, Mr David Hume, Ure of Shargarton, Forrester of Bankhead, John Haddoway merchant in Douglas, James White writer there, Cunningham of Montgrenan, and Mr John Cunningham sometime of Bedland, James and William Clelands brethren-in-law to John Haddoway merchant in Douglas, Thomas Bogle of Boglehole, alias Nether-Carmile, Gordons of Earlston elder and younger, M'Dougal of Freugh, the laird of Ravenston brother to the earl of Galloway, the laird of Castle-stewart brother to the said earl, Gordon of Craichley, Turnbull of Bewley, Thomas Turnbull of Standhil, Henry Hall, George Hume of Greddin, Mackay of Glencard, Mr John Kae, Somerwel of Wrats, Mr Archibald Riddel brother to the laird of Riddel, Cathcarts, two sons of the lord Cathcart, Blair of Fenwick, Murdoch, alias laird Murdoch, Roland Ritchison feuar in Gilmerton, and his three sons, or any others who concurred or joined in the late rebellion, or who, upon the account thereof, have appeared in arms, in any part of this our kingdom. But that they pursue them as the worst of traitors, and present and deliver such of them as they shall have within their power, to the lords of our privy council, the sheriff of the county, or the magistrates of the next adjacent burgh-royal, to be by them made forthcoming to law: certifying all persons, either heritors, tenants, or other men or women, as shall be found to fail in their duty herein, they shall be esteemed and punished as favourers of the said rebellion, and as persons accessory to, and guilty of the same. And to the end all our good subjects may have timeous notice hereof, We do ordain these presents to be forthwith printed, and published at the market-crosses of Edinburgh, Linlithgow, Stirling, Lanark, Ayr, Rutherglen, Glasgow, Irvine, Wigton, Kirkcudbright, Dumfries, Cowpar in Fife, Jedburgh, Perth, and remanent market-crosses of the head burghs of the several shires of the kingdom, by macers or messengers at arms. And we do recommend to the right reverend our archbishop and bishops, to give order that this our proclamation be, with all diligence, read on the Lord's day, in all the churches within their several dioceses, that none pretend ignorance. Given under our signet at Edinburgh, the twenty sixth day of June 1679, and of our reign the thirty first year.

ALEX. GIBSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

1679. bellion. This will appear hard after what hath been narrated, and, we have seen, their declaration vindicates them from such hard epithets. Their proposals had been some way reckoned reasonable; and, had it not been their own divisions, it is probable a treaty had been entered to. Now when they are broke, I can see no use of such hard words, but to irritate the remains of them, and put them upon a new rising. The pretended reason for publishing this declaration, is, to keep subjects from being insnared and brought to trouble by them. This may hold as to such whose names are insert; but this was neither a full list, nor a true list, as we have heard; and the general clause, or any others who concurred or joined in the late rebellion, makes subjects as liable to trouble, as to those not named, as with relation to such as are named. All such who fail in their duty in the premisses, are to be punished as guilty of rebellion. Here is a broad foundation laid for pursuing and harassing multitudes, who afterwards, by people whose interest it was to have them guilty, were pretended to be accessary to this rising; and the following years are a sad commentary upon this general. The proclamation ends with a recommendation to the archbishops and bishops, to see that it be published in all parish churches. This method of publishing the council's acts of this nature, is new. The conformable clergy gave ready obedience, and they had been ungrate had they done otherwise; but in reading it, one would think they might have had many challenges, as having been the occasion of all this severity, blood, and confusion; however the church and Sabbath seem not altogether so very proper for such publications.

In the afternoon's sederunt, June 26th, I find the general present, when the council give his grace their thanks for his great pains in suppressing the late rebellion. Orders are given to the magistrates of Edinburgh to provide chirurgeons that may attend the sick and wounded prisoners, and to appoint persons to receive meat and drink, and see it distributed among them. The like orders are sent to Linlithgow and Hamilton. Next day the militia troops beyond Forth are ordered home, and the militia regiment of Edinburgh ordered to guard the prisoners by turns.

July 4th. The council receive a letter from the king, dated June 29th, wherein he directs them as to the disposal of the prisoners, which I have added below.*

* *King's letter to Council, June 29th,* 1679.

Right trusty and well beloved, &c. We greet you well. After full consideration of what is past since the first news of this rebellion, we cannot but be highly satisfied with the great care you have shown, and the great affection and forwardness of our subjects in that our ancient kingdom, in suppressing those rebels who endeavoured to strike at the very root of our government. And therefore, as we return you our hearty thanks, so we do earnestly recommend unto you, that you may assure the nobility, gentry, and others who have so cheerfully, at this time, attended our host, or were upon their march to it, that we will never forget this signal testimony of their loyalty and kindness to us, and that you will, in our name, return unto them our hearty thanks. And we being particularly informed of the great vigilance and care of the magistrates and council of our good town of Edinburgh, and the great expenses they have been at upon this occasion, we do desire you to call them to our council board, and give them our solemn and hearty thanks. To the end that all our subjects may see the great aversion we have for those rebels and their principles, and that we will not encourage others for the future, to disturb our government and good subjects, by such extravagant insolencies and cruelties, we do require you to try out for such among all the prisoners, as can most probably discover the rise and occasion of this rebellion, the means by which it was carried on, and the correspondence which they had or entertained any where for that purpose, but particularly in this our kingdom of England. For discovering of all which, we do ordain you to offer them our royal pardon, if they discover and make out their information, and that you put them to the torture if they refuse to inform in what you have pregnant presumptions to believe they know. When this is done, we do in the next place approve the motion made by you, of sending three or four hundred of these prisoners to the plantations, for which we authorize you to grant a warrant in order to their transportation, and we will thereafter send another warrant from hence for receiving them in that plantation for which they are to go, you giving information to our secretary of the place to which they are to be sent. It is likewise our pleasure, that you cause prosecute as traitors immediately, the heritors, ministers, and ringleaders of this rebellion, these only excepted who shall discover in manner above related. And as to the rest of those who are taken prisoners, we desire that they may be set at liberty, upon their enacting themselves not to take arms against us, nor our authority. But to prevent their doing mischief for the future, we desire that there may be an act of council made and intimated unto them, that if ever they, or any of them shall be hereafter in arms, or at field-conventicles, the persons so taken shall forfeit the benefit of this our pardon

Therein he refers them to the duke for his further pleasure in a proclamation, which contained a suspension of the laws against conventicles, as we shall see upon the 5th section. We shall find this letter obeyed as to the prisoners in the next section. Whether it was by virtue of the powers granted the duke at this time, that he published a pardon and indemnity to all tenants and subtenants, who had been at Bothwell, providing they submitted themselves against such a day; or if the general, by virtue of his former powers, emitted this before he came into Edinburgh, I know not, not having seen the date of this proclamation. But that he did publish it, appears from the bond offered at this time, to the heritors in the west country, the tenor whereof was: "Whereas the duke of Buccleugh, general of his majesty's forces, has thought fit to issue forth a proclamation of pardon and indemnity to all tenants and subtenants that were actually concerned in the rebellion, and present at the late fight at Hamilton, and shall render themselves, their horse and arms, to his grace, at the king's standard, or the magistrate in chief of the head burgh of the shire, where they shall happen to be, within days after the publication of the said proclamation.

"These are testifying, that I do by these presents, bind and oblige myself, that in case any of my tenants or subtenants that were concerned in the rebellion, and present at the late fight, shall refuse or delay to accept of this act of grace, within the time limited, I shall use my utmost endeavour forthwith to apprehend and deliver up to justice all such persons; and in case it shall be made to appear that any of the said persons shall be found to have resided on my land, at the end of thirty days after the date of the said proclamation, I shall forfeit and be liable to his majesty in the sum of £500 Scots, for every such person as shall be found in my land. 1679. Those only excepted to whom the king and council shall think fit to grant a pardon. In witness whereof, &c."

For any thing I can learn, there were but few tenants came in upon this proclamation. A good many of the common sort were made prisoners, and came not under it; and those who escaped, hid themselves for some time, and probably had but uncertain accounts of this offer, and many were unwilling to venture themselves so soon to the hands of the army or magistrates. Neither do I find the heritors most concerned, were willing to come into this bond. It did involve them in owning the rising to be rebellion, and engaged them to turn out all their tenants who came not in within the time limited, and brought them under a fine in case they were after found upon their lands, and I find no penalty enforcing this bond upon them; and therefore, as far as I know, it came to very little. This proclamation, however, was of a quite different strain from that we have seen emitted by the council, June 26th, before the duke came up to them.

At this diet the council write to the different sheriffs in the shires, on the south side of Tay, to send up exact lists of the heritors who did not attend upon the king's host, or left it without allowance, that they may be prosecute according to law. It took some time before this matter was brought to a bearing; and, therefore, I shall refer it to the next year, when multitudes were brought to trouble upon this account. At the same time the council, being informed that Alexander and James Balfours, tenants in Gilstoun, who were taken in arms going to rebellion, have fraudulently disposed their estates and means, order the sheriff of Fyfe to sequestrate all they have for the king's use. His grace the duke of Buccleugh and Monmouth takes his leave of the council, July 6th, and they write a letter of compliment to Lauderdale, thanking the king for sending him, and acknowledging the great service he hath done.

The proclamation of the 26th of June stood in full force, till it was, if I may say so,

---

and indemnity. You will receive from the duke of Buccleugh and Monmouth our further pleasure in a proclamation, which we have sent unto him, to be presented unto you, to the end it may be published in our name. And so we bid you heartily farewell. Given at our court at Whitehall, the 29th day of June, 1679, and of our reign the thirty-first year.

By his majesty's command,

LAUDERDALE.

a little softened by the indemnity the king was pleased to grant some time after this. It bears date at Windsor, July 27th. What was the reason of the delaying the publishing of it to August 14th, I shall not determine. That, as we shall hear, was the day of the public execution of Messrs King and Kid. It may be reckoned invidious to suppose that methods were taken to delay it at London for some weeks, and its publication, when agreed to there, was deferred so long, that the soldiers might have the longer time to harass and spoil the country. Indeed the indemnity was so clogged, that it put no great stop to that when it came. It is inserted below,* and was published with a great deal of solemnity at Edinburgh, August 14th. A scaffold was erected at the cross, and the magistrates came to it in the forenoon in their robes, and were witnesses to the proclamation. In the afternoon, Messrs King and Kid were hanged, and their heads cut off upon another scaffold. And when that was over, there were public rejoicings: the bells were tolled, and bonfires put on through the city. That this was timed so, as it might be an insult upon these two good men who were put to death, I shall not say; this was but a poor revenge. Be this as it will, the public rejoicings were a little dashed by a fire breaking out in the city that night, which

1679.

* *Indemnity after Bothwell, July 27th, 1679, published August 14th.*

CHARLES R.

Charles II. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all and sundry our good subjects whom these presents do or may concern, greeting. The just resentments we have of the rebellious courses taken by some in that our ancient kingdom of Scotland, by poisoning our people with principles inconsistent with true piety, and all human society, as well as with our royal government, and of the humorous factions of others, who (under pretext of representing grievances to us) have most unjustly, both in Scotland and England, defamed our judicatures of Scotland, and thereby weakened our authority therein represented; all which did not hinder us from endeavouring to quiet the one by our late proclamation, and the other by a public hearing and debate; and being most desirous to cover all the imperfections of our subjects, and to remove the fears and jealousies whence they proceed; we have, therefore, by our royal authority, and the undoubted prerogative of our crown, thought fit (with the advice of our privy council) to indemnify, remit, and pardon, (with the exceptions after specified) all such as have been at field or house-conventicles, all such as are guilty of irregular administration of the sacraments, and other schismatic disorders, all such as have been engaged in the rebellion, 1666, or the late rebellion this present year of God, 1679, all such as have spoken, written, printed, published, or dispersed any traitorous speeches, infamous libels, or pasquils, all such as have misrepresented any of our judicatures, servants, or subjects, or have advised any thing contrary to our laws, all such as have malversed in any public station or trust; and generally, all such as are liable to any pursuit, for any cause, or occasion, relating to any public administration, by contrivances, actings, oppositions, or otherways, preceding the date hereof. Declaring the generality of these presents to be as effectual to all intents and purposes, as if every circumstance of every the foresaid delinquencies, or misdemeanors, were particularly and specially here inserted; and as if every of the persons that might be challenged and pursued for the same, had a remission under our great seal, or an act of indemnity passed in his favours; discharging any of our officers, or subjects, to pursue any person or persons upon any such accounts, either *ad vindictam publicam vel privatam*, or to upbraid them therewith. And commanding all our judges to interpret this our remission and indemnity, with all possible latitude and favour, as they will be answerable to us upon their highest perils; excepting such as are already forfeited by our parliaments, or our criminal court, fined by our privy council, and such, who being fined by inferior judicatures, have paid, or transacted for their fines, in so far as concerns their respective fines, so imposed; excepting also, all such heritors and ministers, who have been in the late rebellion, or were contrivers thereof, and such heritors as have contributed thereto, by levies of men or money: and excepting likewise such as obeyed not our, and our council's proclamation, in assisting in our host, to be pursued for that their delinquency, according to law; and such persons as have threatened or abused any of the orthodox clergy, or any of our good subjects for assisting us in suppressing the late rebellion; and that, since our proclamation, dated the 29th day of June last past. Which indemnity we do grant to those who were engaged in the late rebellion, provided that they shall appear before such as our privy council shall nominate, betwixt and the diets following, *viz.* these that are within this kingdom, betwixt and the eighteenth day of September, and these that are forth thereof, betwixt and the thirteenth of November next to come, and enact themselves, never to carry arms against us, or our authority, and with express condition, that if ever they shall be at any field-conventicle, or shall do any violence to any of our orthodox clergy, this our indemnity shall not be useful to such transgressors any manner of way, as it shall not be to any for private crimes, such as murders, assassinations, thefts, adulteries, the fines and denunciations thereof, and such like as never use to be comprehended under general acts of indemnity, and particularly the execrable murder of the late archbishop of St Andrews, nor to such as were appointed to be carried to the plan-

destroyed a lodging, and was happily stopped.

When this indemnity was published, it was no great matter of rejoicing to the people concerned in Bothwell. The draught of it appears abundantly cunning and cautious, and Lauderdale fails not in it to notice his own victory over duke Hamilton. The field-preachers, termed here those who poisoned the subjects with principles inconsistent with piety, society, and government, are for once put in good company, and coupled with these worthy patriots, of whom more hereafter, who were struggling for civil liberty, and ease from oppression and burdens, under the name of a numerous faction. After this fling at all who appear for liberty, civil or ecclesiastic, the king, by virtue of his prerogative, "pardons all who have been at house or field-conventicles, who are guilty of irregular administration of the sacraments, and other schismatic disorders, those who have been at Pentland and Bothwell," under the exceptions contained in the proclamation. What follows points at duke Hamilton, and the rest of the complainers against the arbitrary and oppressive administrations of Lauderdale and his brother. "All authors of infamous libels or pasquils, all such who have misrepresented any of our judicatories, servants, or subjects." What a fine pass are matters come to in Scotland, when a good many of the greatest and best of our nobility, and others, must have an indemnity given them, and be ranked among the rebels and traitors, as the people at Bothwell were esteemed to be, merely for representing matter of fact to the king! And if Lauderdale, or others his creatures, needed an indemnity for any thing complained of, they are cast in under the extent of the king's grace, as follows:—Or advised any thing contrary to law, or malversed in any public station. The exceptions are many and large, and very much darken this act of grace. With one dash, heritors and ministers, who were in the rebellion, or contributed thereto, are scored off. Tenants and the meaner sort were pardoned before, and, it seems, the king goes no further than the general; yea, such are excepted as came not out to assist the king's host, that is, who would not actively concur to shed the blood of these people who were essaying to retrieve their religion and liberty. We shall find a great many harassed upon this score. Further, the condition upon which the pardon is suspended, rendered it almost of no value to such who are not directly excepted. That *they enact* themselves, before such whom the council shall nominate, never to carry arms against the king or his authority, and never to be at any field-conventicle. Very few concerned disowned the king's *authority*, and the most part by far had not the least view of resisting the king; yet so general an expression, excluding resistance in all cases to any authorized by the king, was choking to most of them; neither would they bind up themselves from hearing the gospel in the open fields. This goodly indemnity is closed up with a command to the council, and other judicatories, to punish, with all the severity law will allow, not the keepers of conventicles, which may be wondered at, but such as murmur against judicatories, that is, the actings of Lauderdale and his brother in council, or our officers, or make or disperse libels or pasquils, that is, representations of grievances, complaints against 1679.

tations, by our letter, *dated the* twenty-ninth day of June last, though their lives be, by this our royal proclamation also, secured unto them, *in* manner, and upon the conditions above mentioned. But lest the hope of *impunity* should embolden the malicious to future disorders, we do hereby command our privy council, and all our other judicatures, to pursue and punish with all the severity that law can allow, all such as shall hereafter threaten or abuse the orthodox clergy, murmur against our judicatures, or officers, or shall make, publish, print, or disperse libels, or pasquils, these being the forerunners of all rebellions, and which, by defaming authority, do disappoint all its just and necessary methods. And to the end all our good subjects may have *notice of this* our royal will and pleasure, we do *hereby* command our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, to make timeous intimation hereof, at the market-cross of Edinburgh, and other places needful. Given at our court at Windsor-castle, the 27th day of July, 1679, and of our reign the thirty-first year.

By his majesty's command,

LAUDERDALE.

GOD SAVE THE KING.

1679. maladministration, and the like, those being the forerunners of all rebellions. Thus they endeavour to crush all after attempts for informing the king, or relieving the country from tyranny and oppression; and the blame of Bothwell is tacitly, though plainly enough, charged upon duke Hamilton and his party. It is scarce worth while to observe, that the bishops and clergy are not required to intimate this indemnity from their pulpits, as they were to intimate the former proclamation. One would think there was as much reason for the one as for the other, and certainly this seems as agreeable to their function. But, it may be, this scrimp and scanty proclamation of pardon was not so pleasing to them as the former, and their friends spare them. Any thing further remarkable in the council's procedure, this year, will fall in upon the following sections.

When we have thus seen the procedure of the council and government, we need be the less surprised at the military execution, ravagings of the soldiers, and procedure of the army up and down the country after Bothwell. The door was cast open to them by the proclamation, June 26th, and I can scarce say it was shut by the indemnity, and they fall frankly to work, in which they frequently exceed the severe laws of this period. Particularly, we shall find Claverhouse raging in the west and south, this and several following years, and committing many grievous oppressions. He could never forgive the baffle he met with at Drumclog, and resolved to be avenged for it; and yet we shall meet with some others more bloody and barbarous than he. Every body must see, that it is now almost impossible to give any tolerable view to the reader, of the spulies, depredations, and violences, committed by the soldiers, under such officers as at this time they had. Multitudes of instances, once flagrant, are now at this distance lost; not a few of them were never distinctly known, being committed in such circumstances as upon the matter buried them. And it would swell this section too much, should I even insert all the instances I have met with, therefore I shall only narrate a few I find well vouched and certain.

A great many parties of soldiers were dispersed through all quarters of the west and south; but I shall almost confine myself here to the severities committed by Claverhouse, and the forces under his command, in the circuit, shall I call it, which he made a very little after the engagement at Bothwell. In a few days after this defeat, I find him, and the soldiers under his command, harassing the shire of Ayr; from that he goes to Galloway, and from thence to Nithsdale and Dumfries. As they perambulate those places, it was their care to inform themselves in every parish, who had been at Bothwell, in which the episcopal incumbents were very useful to them. And, considering that the spoil went to their own pockets, and was never accounted for, we may safely suppose, they were well enough disposed to receive informations, diligent to have them, and not over nice in taking of them. Thus multitudes of persons, who were noways concerned in Bothwell, now and afterwards came to much loss and trouble. So miserable a thing it is, to lay a poor country open to the covetous and cruel lusts of a profligate army! Upon those informations, such as they were, without any probation, and when there was nobody to oppose them, they attacked the houses of such who, they pretended, had been in the rising. Few or none of the persons themselves found it convenient to wait for their coming, but made the best shifts they could. Their families, in their absence, were fallen upon, and suffered very much; their relations, yea, every family near by, where the soldiers were pleased to allege the rebels might be; and every thing they inclined to have, was taken away, and great sums extorted for such things as they carried not with them. All this was the harder upon the west country, especially the shire of Ayr and adjacent places, that they had been but last year sufficiently pillaged by the barbarous Highland host. The reader will easily perceive, this will make the depredations this year doubly heavy to the country, and like the ripping up of a wound, when but lately, and indeed scarce skinned over. It deserve our notice further, before I come to particulars, that, for two years after

Bothwell, the soldiers never paid any thing for their quarters, but lived at discretion upon the west and south. This, if calculate, would come to a vast sum levied from the country, especially considering the manner of their living upon the substance of others: they were sure to take the best things that were to be had in the place, and, generally speaking, they destroyed as much to the people upon whom they quartered, as they did eat up, if not more. Yea, till the revolution, they never paid any thing for transient quarters, that is, when upon their road, and when not directly allotted for so many days upon such and such houses. This fell very sore upon many places in the west country. I could instance in the town of Kilmarnock, where, for some years after Bothwell, there scarce ever passed a week, but there were some companies or troops lay there, for a night or two, in their coming or going, and that as much upon free quarter, as they had been in an enemy's country. And the little village of Dalmellington, which is the key into Galloway and the south from the west country, suffered this way a great deal more than can be computed.

To come to some particular instances; when Claverhouse came to the shire of Ayr, in his road southward, there were very few parishes which lay near his rout that escaped him and the parties he sent about. I have two instances from the parish of Bar, well vouched, which shall serve in room of many might be named. William M'Leweyand, in Merkland, in that parish, had been at Bothwell, and was a prisoner at present in the Gray-friars church-yard in Edinburgh. His wife, who yet lives, having notice of her husband's circumstances, went in to Edinburgh, and by a gentleman's interest with some of the managers, got him liberate by the council. While they were coming home, Claverhouse and his troop came to this man's house, upon information he had been at Bothwell, and perfectly rifled it: they took all the clothes away, and two horses worth six pounds sterling. These gentlemen never regarded whether the people, about whom they had informations, were dead, or prisoners: that which they looked after was their goods and cattle, and any thing that made best for them. After William was come home to his empty house, and had plenished it, in a little time Edmonston of Broick, having procured a gift of the moveables of the people in that parish who had been at Bothwell, came and spoiled his house, though he had been liberate by the council, and took away any thing which remained, with all the corn and crop he had. Not long after, when the test came about, the said William refusing it, his master the laird of Girvanmains, took from him nine cows, and oxen, a horse, and twenty five sheep, with all the crop and growing of that year, and any thing that was portable of household-plenishing. Yea, so cruel were they, that he himself being fled from his house, and his wife hearing of their coming, having removed some small matter of her clothes, and other things in the house, to a little house in a glen, at some distance from the house, the party employed getting notice of it, after they had plundered the house, came back and took it all away. I purposely cast together things done in several years to this good man, that the reader may have some small view of the chain of the troubles and spulies serious and religious persons sustained about this time, though indeed they be inexpressible. 1679.

The other person in the same parish is James Macjarrow. I do not find he was at Bothwell himself, but he was attacked, and forced to pay thirty pounds Scots by way of fine, only because he hired a young man to be his servant, who had been at Bothwell, and was taken prisoner, and liberate by the council, upon his taking the bond. This person is yet alive; and I have this and some other severities which may come in afterwards, under his own hand. Several other instances might be given from this one parish. Many poor families were spoiled, under pretext of having been at Bothwell. One man who was not there, had thirty pounds forced from him, and another a greater sum. But, by those hints, we may some way guess at the ravages committed upon the neighbouring parishes; and indeed particular instances would be endless.

If we follow Claverhouse into Galloway,

we shall find some things yet worse.
1769. He carried in with him some English dragoons, several troops of horse, and some companies of foot. The damages those committed are beyond reckoning. We have heard somewhat of their method with such as were alleged to be at Bothwell: but I find in Galloway they scarce made any distinction betwixt those and others. In that country they seized all the horses they could find, and either carried them off, or made their owners pay near their full price; and spulied all the houses in their way, without putting themselves to the trouble to ask questions; and carried away every thing they pleased. In the parish of Carsfairn Claverhouse took abundance of horses, and such as were of any use he carried with him. From one man in Craigengillen were taken three, worth eleven nobles apiece. In the same parish they took fifty pounds from a poor widow woman, because, as they alleged, a servant which was in her house had been at Bothwell. The neighbouring parish Balmaclellan was in the like manner sadly harassed, and many others near by. In one house, one of the ruffian soldiers forced the woman before her husband's eyes, and then spoiled the house, and carried off what made for them. In the parish of Glencairn, the soldiers under Claverhouse made terrible havoc; besides the ordinary practices in other places whithersoever they came, the seizing horses, pillaging houses, and the like: two passages of their barbarity I have well vouched, cannot well be passed. They apprehended a poor harmless youth at his work, and pressed him to declare who of his neighbours were said to be at Bothwell. The young man either could not, or would not inform them. And when he had stood out their threatenings, they came to put him to the torture. Boots and thumbkins were not at hand, and the way they fell on was this, a small cord was tied about his head, and both ends of it were wreathed about the but of one of their pistols, then they twisted it about the upper part of his head with the pistol so hard, that the flesh was cut round in to the skull. The pain was inexpressible, and his cries were heard at a great distance. They catched a young herd boy in the same parish, and would have him to discover where his master was, whom they alleged to have been at Bothwell. The boy very probably could tell them nothing about his master: however they took him, and fastened two small cords to his thumbs, and by these hung him up to the balk (roof) of the house. The torment he endured was very great, yet they got nothing out of him. * But the other youth, last spoken of, died within a little after he came out of their hands. A vast number more of their cruelties might easily be added in Ayrshire, Galloway, Dumfries, and Nithsdale: but I have only selected one or two of the different kinds of their severities from a good many instances in my hands, and there are instances in other shires as well as these. Francis Park in Croftfoot, in the parish of Carmunock, in Lanarkshire, was, some little time after Bothwell, questioned for lending his plough to a neighbour of his, who was by the soldiers said to have been at Bothwell, to plough one acre of land. When he could not deny the matter of fact, that he lent his plough to such a man, straightway fourteen soldiers were quartered upon him for some days: and they took up an inventar of all his goods and plenishing. The poor man was forced to compound, and give the soldiers fifty pounds to save his house from being plundered. George Park in Muirside, in the same parish, was forced to pay 200 merks, for no other cause, but his har-

* "The cruel enemy got my dear brother into their hands. They examined him concerning the persecuted people where they haunted, or if he knew where any of them was, but he would not open his mouth to speak one word to them. They spoke him fair—they offered him money to speak and tell them, but he would not—they held the point of a drawn sword to his naked breast—they fired a pistol over his head—they set him on horseback behind one of themselves, to be taken away and hanged—they tied a cloth on his face and set him on his knees to be shot to death—they beat him with their swords and with their fists—they kicked him several times to the ground with their feet—yet after they had used all the cruelty they could, he would not open his mouth to speak one word to them; and, although he was a very comely proper child, going in ten years of age, yet they called him a vile ugly dumb devil, and beat him very sore, and went their way leaving him lying on the ground, sore bleeding in the open fields."—Diary of Sergeant James Nisbet, &c.—*Ed.*

bouring his own son for a little in his house, after he had been at Bothwell. I shall shut up these particular instances with one which I have well vouched from persons yet alive, who were present. Some time after Bothwell, George Forbes, a trooper in captain Stuart's troop, then lying at Glasgow, came out one morning with a party of soldiers to the village of Langside, in the parish of Cathcart, not two miles from that city, and by force broke open the doors of John Mitchel tenant there his house, who, they alleged, had been at Bothwell. John was that morning happily out of the way, whereupon they seized Anna Park his wife, a singularly religious and sensible country woman, whose memory is yet savoury in that place; and pressed her to tell where her husband was. The good woman peremptorily refusing, they bound her, and put kindled matches betwixt her fingers, to extort a discovery from her. Her torment was great; but her God strengthened her, and she endured for some few hours all they could do, with admirable patience; and both her hands were disabled for some time. When they found they could not prevail, they spoiled the house, and abused every thing in it. The milk they could not drink was poured out on the ground: the groats she had for the sustenance of her family, they gave to their horses; and what of them, and the meal in the chests, they could not consume, was cast out to the dung-hill.

These hints may serve to let us into some knowledge of the barbarity of this period. In short, multitudes were so harassed and oppressed, that, seeing no door of relief, they choosed to take upon them a voluntary banishment, and went off, some with, and others without their families to foreign countries; such was the rage of the soldiers, and so lamentable were the circumstances of the poor country at this time.

SECT. II.

Of the treatment of the prisoners taken at and after Bothwell.

HAVING given some idea of the hardships put upon the country in general, it is time to look after the prisoners taken at Hamilton muir, and some others catched up and down after the defeat; and it will be proper to put all that is come to my hand, relative to them, in this section, though it passed in different months this year. About twelve or thirteen hundred were carried in from the place of action to Edinburgh, among whom was Mr John Kid; and Mr John King was afterwards taken: I leave them both to the next section. Afterwards about two hundred more were brought in to Edinburgh from Stirling; some whereof were apprehended as coming from the north and Fife, to join the army at Bothwell; others of them were taken at and about Glasgow, several of whom had never been in arms, but had spoken kindly to the wounded men and prisoners, and endeavoured to supply their necessities: and others of them were picked up here and there by some of the less cruel of the soldiers. We have already noticed, that those who surrendered themselves were presently stripped, not only of their arms, but of their clothes also, and they were carried into Edinburgh almost naked. Such who, from compassion, brought any refreshment to them by the way, were for the most part abused and beaten, and the vessels wherein they brought provision broken, and the meat and drink scattered, spilt, and trod upon. None but women durst appear in showing any compassion towards them: the men who ventured upon this were catched, and sent prisoners with them. At Linlithgow, a good many of them stayed one night in their way to Edinburgh, and the above named inhumanities were remarkably practised there to any who noticed them. In their journey they were generally tied two and two. When they were come to Corstorphine, within two miles of Edinburgh, great multitudes came out of the town to stare and gaze upon them. Both sides of the road were lined with people, and some of them were most bitter and malicious in their jesting and reproaching the prisoners as they went by. Too many of that profane mob followed the pattern of the old mockers literally, and said, "Where is your God? take him up now, and Mr Welsh, who said you should win 1679.

1679. the day?" That good man had no such expression,* and was under very melancholy views of the issue from the temper of some among them. Thus, for two miles, to crown the hardships they had been and were under, they endured the reproaches, mockings, and sharp tongues of the proud, and those who were at ease: their souls indeed were among fierce lions, but many of them were perfectly serene and easy under all this.

They came to Edinburgh, June 24th, when I find the council "give orders to the magistrates of Edinburgh, to receive the prisoners taken at the late fight, from the commanding officer, and recommend them to their custody; and that for that end they put them into the inner Grayfriar's church-yard, with convenient guards to wait upon them, who are to have at least twenty-four sentries in the night time, and eight in the day time; of which sentries the officers shall keep a particular list, that if any of the prisoners escape, the sentries may assure themselves to cast the dice, and answer body for body for the fugitive, without any exception; and the officers are to answer for the sentries, and the town of Edinburgh for the officers. And if any of the prisoners escape, the council will require a particular account, and make them answerable for them." And next day, the council order a bank† to be beat through the town, discharging any of the inhabitants to come near the place where the prisoners are, save such who come with meat and drink, which is to be delivered at the gate, to be distributed equally by persons appointed for that effect. When they came into Edinburgh, they were, agreeably to the council's orders, carried to the Grayfriar's church-yard, except some few who were taken to prison. In that enclosure they continued near five months, for the most part in the open air; and the two hundred who came from Stirling, were quartered with them. A good many, as we shall hear, were liberate upon their taking the bond, and some few now and then were taken up to the tolbooth. In this open prison their case was lamentable enough: in the day time the soldiers kept guard in an angle of the church-yard; and all night the prisoners were made to lie down, without any accommodation almost, upon the cold ground, where they stood all day; and if any of them in the night time had raised their head to ease themselves a little, the cruel soldiers were sure to shoot at them. When sleeping in the night, many of them were robbed of any little money their friends sent them; yea, their very shoes and clothes were stolen away from such of them who had beds and couches brought in to them by well disposed people. Their allowance which the duke of Monmouth caused give them before he left Edinburgh, otherwise, it is probable, they had not been favoured with this small matter, was a barrel of ale to be distributed among them all, and a loaf of coarse bread to each of them, and that for every day. The ale they should have had was, after his departure, very seldom given them; and this was some way made up by the water from the common fountain, which was let into them by a conduit. Their bread by weight was to be but four ounces, which frequently was not given them in full tale. And this, small as it is, was the only allowance I can find that ever the government gave to prisoners during all the time of the persecution I am describing. Indeed the good people of Edinburgh were not wanting in supplying them both in meat, money and other necessaries; but so ill natured were the soldiers at the gate, that sometimes they would not permit the women (for no men were suffered to get in to them) to enter, but would have obliged them to stand at the entry from morning till night, without getting access; so that some of the prisoners would have been famished, had it not

* The editor of Kirkton supposes it very probable that Welsh would say this, although Wodrow thinks proper to deny it. In this remark, Mr Sharp only shows his gross ignorance of Mr Welsh's character and views, for his whole conduct in this case, even as given by Russel himself, proves that he did not, and could not anticipate any splendid results from an army so divided and so distracted among themselves as that of the covenanters previous to the battle. Mr Law, in his Memorials, states what is more likely to be true, that Cargill prophesied ample success to the covenanters on this occasion.—*Ed.*

† A public proclamation.

been for the daily allowance given them, which yet was very inconsiderable. Great were the difficulties their friends met with before they could get in any food or raiment to them, and the guards still exacted somewhat for either meat or drink as it came in to them. And to observe it by the by, this was not only their case, but common to other prisoners in common prisons: people were still obliged to gratify the keepers for any access they had to visit or minister to their friends, or even their nearest relations. And although this be not much noticed, yet it was a most heavy tax upon suffering people, and their relations, to be thus imposed upon, when mean while, they were not overstocked with money. They were perfectly open to the weather, and had not the least shelter from the rains, wind, or cold, for some months: indeed towards winter, a few weeks before they were brought out of this place, some huts made of deals were set up for them, which was mightily boasted as a great favour.

Several other circumstances might be added, relative to their difficulties in the church-yard: the soldiers, except some few, who were better natured, were extremely rude to them, beating and maltreating them upon the most frivolous occasions. The people who got in to them from the town, pitying their circumstances, pressed them hard to take the bond, and when they did comply, the merciless soldiers mocked and reproached them, and violently upbraided them with deserting the cause they had owned at Bothwell, and seemed to delight in making them uneasy. And which was yet worse, the ruffians were most rude and indiscreet to the women, relations of the prisoners, yea, sometimes offered to abuse them, and when the prisoners resisted and hindered them, the soldiers were sure to get them hardly used as mutinying and resisting them. In the night time, when the soldiers came among the prisoners, and stole away their clothes, and the prisoners happened to awake, and endeavoured to hold what was their own, to-morrow they were complained of, and hardly dealt with. Many other hardships were they under, too long here to be narrated.

After the prisoners were thus lodged in the Grayfriars' church-yard, the council met several times while the duke of Monmouth was in the city, and then moderate measures were pursued. After several meetings, it was agreed upon, that a bond should be offered to all the prisoners in the church-yard, upon the signing of which they were to be set at liberty. Yet I find it noticed, that a good many of them had not the offer of it at first, the managers resolving that some hundreds of them should be sent to the plantations, as they gave out, to satisfy the king in this matter. But I have reason to think the king would have been very easy in this: and the reserve was rather to satisfy themselves, and the cruel disposition of too many of the clergy. We have seen that transportation was first proposed by the council. What I meet with in the council register as to this bond, is, July 4th, before the duke went off: "the lords of his majesty's privy council, in obedience to his majesty's letter, of the date June 29th, (inserted before in a note, p. 116,) ordain such of the prisoners as were taken in the rebellion, (except the ministers, heritors, and ringleaders, who are to be prosecuted by the justices and others, to be sent to the plantations, to the number of three or four hundred, conform to the list brought in by the committee, and to be approven by the council) to be set at liberty upon their enacting themselves, not to take arms against his majesty or his authority; and appoint the clerks of council to see the said prisoners enact themselves, and to intimate to them, that if they, or any of them shall hereafter be in arms at field-conventicles, the persons so taken shall forfeit the benefit of his majesty's indemnity, and thereupon to dismiss them; and appoint one of the bailies of Edinburgh to attend." 1679.

Thus this matter stood as it was first ordered. This bond was extended and put in form: and I have seen two copies of a bond pressed after Bothwell; the one hath a plain relation to the indemnity, and I suppose was what was made use of up and down the country; and the other I take to be that which was offered to the prisoners. It may not be unfit to insert them both here, being but short. The first runs thus:

1679. "I being satisfied with his majesty's act of indemnity, dated the 27th of July last, and enacting myself to the effect underwritten; therefore I bind, oblige, and enact myself, that I shall not hereafter take up arms against his majesty, or his authority. As witness my hand, &c."

The other bond, which, I suppose, was offered to the prisoners at Edinburgh, was to the same purpose; but a little adapted to their circumstances, and follows:

"I being apprehended for being at the late rebellion; and whereas the lords of his majesty's privy council, in pursuance of his majesty's command, have ordained me to be set at liberty, I enacting myself to the effect underwritten: therefore I bind, oblige, and enact myself in the books of the privy council, that hereafter I shall not take up arms, without or against his majesty, or his authority. As witness my hand, &c."

The exact numbers of such who took this bond, and of those who refused it, I cannot pretend to give; it is certain the most part by far fell in with it: and I find it said, that many of these who signed the bond did it under the thoughts, that their rising was not against his majesty's authority, and consequently that it did not bind them up from any such appearance, when occasion offered again. I find about four hundred continued in the church-yard, as refusers, though, as hath been hinted, many of them had not the bond in their offer at first. The rest, it seems, either subscribed the bond, or were silent when notars signed it for them, which was reckoned enough where they could not write; and so they were dismissed. But then as to the persons thus liberate by the council's order, we must not think their sufferings were at an end; some instances to the contrary have been already given. The most part of them were tossed and harassed upon their return to their houses, for no other reason than their being at Bothwell, as likewise their friends and relations upon their account; yea, their neighbours, and such as dealt with them, were distressed for converse and communing with them. They had no pass given them; and though the council had done with them, the army had not: and those made little or no distinction betwixt such as had been taken, and were liberate, and those who had not been taken. And it deserves our remark further, that both the prisoners now dismissed, and many others who had escaped from Bothwell, after the first brush was over this year, returned to their houses and possessions, and there being no sentence against them, they resorted openly to kirk and market, fairs, and other public places; yea, some of them were put into public employments, as procurators, fiscals, and sheriff-clerks in courts. This could not but make the most prudent and cautious satisfied, that either they were not at Bothwell, or, if they were, the government was fully reconciled to them. Yet, in the year 1682, and afterwards, when the matter of reset and converse was pushed as criminal, not only with intercommuned persons and fugitives, but such as were held and repute to have been in the rebellion, though no sentence had ever passed upon them, multitudes were brought to trouble, and every body was open to it; and some, as we may hear, were condemned precisely upon reset and converse. Of these four hundred who remained in this inclosure, it was reckoned about a hundred got out, some one way, some another, without any direct compliance. Divers had interest made for them by their friends among the counsellers. Some, by climbing over the walls of the church-yard with the hazard of their lives, and others by changing their clothes in the night-time, and, especially after huts were put up, got out in women's clothes. A great deal of pains was taken upon such who remained, by those at Edinburgh, who were of opinion the bond might be subscribed without sin; but very little ground was gained. They began now to be inured to their hardships, and, by their mutual conversation, they strengthened and heightened one another's scruples anent the bond, and their spirits became more and more soured by the se-

rerities they were under; and many turned peremptory against all terms with their persecutors. The bond was once and again offered to them, now, I believe, without exception, when the offerers were pretty much assured few of them would take it; yea, they had frequent alarms, every week, that the council would put them all to death. But as their troubles grew, so did their firmness and resolution.

While the prisoners continue thus at Edinburgh, the managers send directions through the west and south to the persons underwritten, to offer the bond to such as had been in the rising, and were not heritors or ministers, and a power to inquire after others. The persons thus empowered were, the lord Collington for the shire of Edinburgh, the earl of Winton for Haddington, the earl of Linlithgow for Linlithgow, the marquis of Montrose for Perth, the earl of Roxburgh for Roxburgh, the laird of Hayning for Selkirk, the earl of Carnwath for Lanark, the earl of Queensberry for Dumfries, the earl of Glencairn for Ayr, the earl of Wigton for Dumbarton, the earl of Nithsdale for Kirkcudbright, sir William Murray of Stenhope for Peebles, earl of Mar for Stirling, lord Ross for Renfrew, the earl of Hume for Berwick. Those persons, in a letter from the council, July 17th, have the following directions and powers given them. "That whereas his majesty, by his letter June 29th, hath ordered, &c. as above, the council empowers them to call before them such who were in the rebellion, and are not heritors, ministers, or ringleaders, whether it be those who were not apprehended, or, being apprehended, have escaped, and have not taken the bond, and to offer it to them, and upon their signing it to dismiss them, certifying them, that if they shall hereafter be in arms, or at field-conventicles, they shall forfeit the benefit of the king's indemnity; that, in case of refusal to sign the bond, their persons be secured in prison. Further, they are empowered to inform themselves what heritors, ringleaders, and ministers within their shire, were in the rebellion, or did contribute to the sending out of persons thereunto, and to seize and imprison them, and with all diligence report their names to the council." 1679. When the indemnity is published, the same persons generally are empowered to administrate it, in terms of the proclamation we have seen. Many remarks might be made upon these persons named by the council: most of them were violent enemies to presbyterians, and much engaged in the persecution, and many of them had, or had the prospect of having, the gift of the moveables and forfeitures in the places wherein they had interest; and that would make them not a whit the less careful in their business, when their pockets were to be concerned. There are in this list not a few papists notwithstanding all the laws that they be not employed in places of trust. The family of Winton, generally speaking, hath been popish; Nithsdale, I know, was, and sir William Murray of Stenhope, in several papers I have seen is said to be popish; he had much of their spirit, and was most violent in the persecution.

A letter from the king, dated July 26th, to the council, bears 'his detestation of the murder of the late archbishop of St Andrews; and being desirous to vindicate that innocent blood, and show his detestation of the murder, he commands them to cause process criminally nine of these who were in the late rebellion, with this additional consideration, of having owned these murderers, who are hereby excepted from any indemnity, and that, besides the persons who are to be excepted therein, those nine being to be executed merely upon that account. They, being convicted, are to be hanged in chains upon the place where the horrid murder was committed.' No reflections are necessary upon this; it probably was a proposal sent up from Edinburgh. At the same time Lauderdale, in his letter, signifies to the council, "that the king wonders he hath no account of the trial of the prisoners who were eminently ringleaders, and active in the rebellion; and that it is his express pleasure that the justice court proceed immediately to the trial of them." The council, in answer to both, acquaint the king, "that the justiciary hath already sentenced Messrs King and Kid; and they

1679. have appointed a committee to consider the most proper methods for proceeding against others who have been ringleaders in the rebellion." The report of this committee comes in August 6th, and is as follows. "The king, by his letter July 26th, having ordered nine of these who were in the late rebellion to be prosecuted, with this additional aggravation of having owned the murder of the late archbishop of St Andrews, by your lordships' order, we thought fit to examine the prisoners in the Grayfriars' church-yard, and to take notice of such as should refuse to call the late rising in arms rebellion, or killing the archbishop murder, or those who refused the bond *not to rise in arms hereafter*; and, amongst those prisoners, there is a list of thirty persons given in here: and whereas there are some other prisoners in the tolbooth of Edinburgh and Canongate, of the same guilt and persuasion, and who did not come to the places in Fife, to vindicate themselves of the murder, it is our opinion, that the king's advocate or depute be appointed to examine all those forenamed, and process nine of the most guilty of them before the justices. That a committee of council for secrecy, not exceeding three or four, be appointed to give in lists of such heritors, ringleaders, and preachers, as are not yet in custody, to general Dalziel, with warrant to them to give orders for securing their persons, till they be brought to justice. That the advocate or depute be appointed to process before the justices such heritors, ministers and ringleaders, as are in custody, and not yet processed according to the king's letter." They move also, that the prisoners for conventicles be liberate; and that William Page fined in a thousand pounds, and Robert Blair in two thousand merks, for conventicles, be remitted to the treasury for modification. The council approves of all, and ordains acts and orders to be extended according thereunto; and that the earl of Murray, bishop of Edinburgh, lord Collington, Mr Maitland, and general Dalziel, or any three of them, be a committee for that effect.

I find, by a letter from the king, dated August 15th, with the list of prisoners, and their examination, which I have annexed below,* they are ordered to be processed before the criminal court; which was done, as we shall see on the next section, and a good many executed. This

---

* *Letter from the king to the council, August 15th, 1679.*

CHARLES R.

Right trusty, &c. We greet you well. Whereas by our letter of the 26th day of July last past, we did (upon the considerations therein mentioned) command you to cause process before the criminal court, nine of those who were in the late rebellion, with the additional aggravation of having owned the murderers of the late archbishop of St Andrews, whom we did thereby except from any indemnity we should grant. And that besides the persons who are to be excepted therein, these nine being to be executed merely upon that account, and they being convicted, we did order that they be hanged in chains upon the place where that horrid murder was committed; amongst whom we did recommend unto you to include such as appeared not upon the places of trial in Fife, appointed by our proclamation, and that you should not let out such of the shire of Fife, as were then in custody, till they be purged of their accession thereto; and that you should take all courses consistent with law, for the further discovery of such as are guilty of that inhuman crime. And whereas now, by the examination of some prisoners in the south Grayfriar yard of Edinburgh, anent their being in the late rebellion, and concerning the said horrid murder (taken by some of your number the 5th instant.) We find, that severals of them do not own the late rebellion to be a rebellion, nor the murder of the late archbishop of St Andrews to be a murder. Some of them do not acknowledge the said murder unlawful, and others say it is not sinful. These are therefore to authorize and require you, to cause the persons mentioned in the inclosed list, to be pursued criminally, and to cause speedy justice to be done on them according to law. For doing whereof this shall be your warrant. And so we bid you heartily farewell. Given at our court at (ut supra) and of our reign the thirty-first year.

By his majesty's command,
LAUDERDALE.

Follows the tenor of the list contained in the foresaid letter.

CHARLES R.

James Lilleburn in Kinross, being called and required to subscribe the bond, appointed by his majesty's letter, not only refuseth the same, but thinks the murder of the archbishop no murder.

David Hardy in Leslie, being called and examined, refused the said bond, or to say that the late rebellion was a rebellion, or that the archbishop's murder was a murder.

Robert Bogie in Newbigging, being called and examined, says, that he thinks the late rebellion was not a rebellion, and thinks that the archbishop's murder was not a murder.

John Richardson in Stenhouse, being called and examined, declares, he thinks that the late rising in arms was no rebellion, and is not clear to sign the bond, and thinks that the last rising was not against the king, but for the truth of God.

is all the account I meet with, in the registers, of the treatment of the prisoners. From other narratives come to my hand, the reader may take the following hints.

In August the council pitched upon fifteen of them in the Grayfriars, whom they looked upon as ringleaders to the rest, and brought them up to the tolbooth of Edinburgh, and gave them an indictment to die. The day after they were brought up (as papers before me bear) Mr Edward Jamison, a very worthy presbyterian minister, came in to them, being sent by the meeting of presbyterian ministers at this time in Edinburgh, as I shall afterwards speak of. I find no evidence that Mr Jamison was sent by them: however, it is certain, he did reason with the prisoners at great length, endeavouring to persuade them to subscribe the bond; he urged the lawfulness of this mean to save their lives, and essayed to make them sensible their refusal to do this would be a reflection upon religion, and the cause they had appeared for, and likewise a throwing away their lives, in which their friends would not be able to vindicate them. Through this pains taken, thirteen of them condescended to subscribe the bond, and were liberate. Those who did not subscribe, in their papers allege, that some of those who did subscribe came to visit the two refusers, one of which was John Clyde, afterward executed, and regretted their signing very much, which strengthened their hands. 1679.

After this, the counsellers gave it out that they would allow no more of them to subscribe: meantime the most part of the prisoners seemed as little desirous of the bond, as the managers were to give it them, until some, by the daily solicitations of friends and wellwishers who visited them, others by their beginning to fag under so much bad treatment, as we have heard, near two hundred signed a petition to have liberty to take it. It is said, a letter writ to the prisoners by Mr George Johnston, of whom before, had a great deal of influence upon divers of them: some papers bear, that it came from the meeting of ministers; but this is not probable, and I see no proof advanced for it; the letter is before me, but too long here to be insert.

When this petition is a signing among

Robert M'Gill, webster in Gallowshields, confesses his being in the rebellion, but that he is not clear to say, the killing of the archbishop of St Andrews was a murder.

David Somerwel in East-Calder, confesses he was in the rebellion, but will not call it a rebellion, nor take the bond, and says he thinks he needs not, for he says, he has found out another way for it. He will not acknowledge the killing of the archbishop to be a murder.

Alex. Steven in Bothwell parish, confesses he was in the rebellion, but will not call it a rebellion, nor the killing of the archbishop to be a murder.

Thomas Williamson in Over-Cranston, confesses his being in the rebellion, that he is not clear to call it a rebellion, nor the killing of the archbishop to be a murder.

John Scot in Ettrick forest, confesses he was in the rebellion, but is not clear to call it a rebellion, or that the killing of the archbishop is a murder.

William Cameron in Dalmellington, confesses he was in the rebellion, but is not clear to call it a rebellion, or that the killing of the archbishop is a murder.

Robert Miller in Waterford, confesses he was in the rebellion, but will not call it a rebellion, nor will he call the killing of the archbishop a murder.

James Wood in the parish of Newmills, confesses he was in the rebellion, but will not call it a rebellion, nor the archbishop's murder, a murder.

John Govan in Kirkliston parish, confesses he was in the rebellion, but refuses to acknowledge it a rebellion, or that the archbishop's murder was unlawful.

Thomas Pringle in Stow parish, refuses to acknowledge the rebellion to be such, or that the archbishop was murdered.

Andrew Sword in the parish of Borg in the stewartry of Kirkcudbright, refuses to acknowledge the rebellion to be a rebellion, or the archbishop's murder, a murder.

James Gray in West-Calder, refuses to acknowledge the rebellion to be a rebellion, or that the archbishop's murder was unlawful.

John Thomson in the parish of Shots, acknowledges the rebellion was a rebellion, but denies the unlawfulness of the archbishop's murder.

John Waddel in the parish of Shots, acknowledges the rebellion to have been a rebellion, but denies the archbishop's murder to be sinful.

Patrick Keir in the parish of Kincardine, denies that the rebellion was a rebellion, or that the archbishop's murder was unlawful.

Thomas Brown in Edinburgh, denies that the rebellion was a rebellion, and says, that if it were to do he would advise whether or no he would do the like; and refuses to call the archbishop's murder sinful.

William Anderson in Livingstone parish, denies the rebellion to be a rebellion, or that the archbishop's murder was a murder.

CHARLES R.

By his majesty's command,

LAUDERDALE.

1679. the prisoners, Robert Garnock, and about two and thirty more, joined in a verbal protestation against such who were for supplicating the council. Robert, whom we shall afterward meet with, in the name of the rest signified to as many as would hear him, that he protested against what they were doing, and they resolved no longer to join with them in worship, since, as they conceived, they had denied the cause they had been appearing for, and materially had acknowledged their rising at Bothwell to be sinful. As soon as the accounts of this came to the managers, Robert Garnock was immediately carried from the Grayfriars to the iron-house, and put under great hardships, yea, it was resolved he should die. Several in the prisons of Edinburgh and Canongate joined in this protestation of his: and the confusion the prisoners were in, in the Grayfriars, from the hazard Robert was represented to be in, whereto, they reckoned they had been some kind of occasion, with some other concurring things, wrought so upon them, as more than a hundred refiled from the supplication, and sided with the dissenters. These things coming to be known to the counsellers, some were sent down to take up the numbers of the supplicants and subscribers. The accounts were but confused which now could be got, and the council could make nothing of them: whereupon they came to a resolution to call them all one by one before them, and examine them; and the justice-clerk came in to them, before the diet of the council in the afternoon, and told them, in a very threatening manner, this was the last offer they were to have; and such as, when before the council, were willing to subscribe, should have the favour of banishment, and those who refused the bond were to be condemned to die. The council sat late, and examined about fifty of them: it so fell out, that not one of the dissenters were called in before them; and the council finding none who were examined dissenting from the designed supplication, and being weary, resolved to put an end to their trouble about them, and to give them all one cast, and passed an act of banishment upon them all to Barbadoes. The persons who were processed before the justiciary, as we shall afterwards hear, were not among this number, but mostly made up of those who were in the prisons of Edinburgh and Canongate. This is the most distinct account I can gather of the treatment of those prisoners, from several papers writ at this time.

August 14th, the council write to Lauderdale, "that the keeping of the prisoners in the Grayfriars' church-yard is chargeable, and will be more inconvenient when the season turns cold and tempestuous; they propose a frigate may be sent down to transport them." In a letter, dated September 5th, the king acquaints them, "that William Paterson merchant in Edinburgh had undertaken the transportation of the prisoners, and authorizes them to deliver them to him, he giving security, under a reasonable penalty, to land and dispose of them in the plantations, sea-hazard, mortality, and force of arms excepted." Upon the reading of this, the council appoint a committee to consider the state of the prisoners, in order to their transportation. It seems, Mr Paterson delayed giving caution for some time; for, November 8th, I find him called before the council, and interrogate, why he had not found sufficient caution. He answers, that he found difficulty to provide it, and, by reason of the storms, he could not get provisions sent aboard, but once upon Tuesday next he undertook to have all done. Accordingly, I suppose, he did: and, upon the 15th of November, two hundred and fifty-seven of the prisoners were taken out of the Grayfriars' church-yard, early in the morning, before any of their friends knew of it; and, for any thing I can find, they had no previous intimation given to themselves: yea, such was the cruelty now used, that thirty of them, who were dangerously ill of a flux and other distempers contracted by their hard usage, were hurried away with the rest, and no pity showed them. They were carried down under a guard to Leith, and there put aboard a ship lying in the road; they continued twelve days in Leith road before they sailed. The barbarity exercised upon them in the ship cannot be expressed. They were stowed under deck in so little

room, that the most part of them behoved still to stand, to give room to such who were sickly, and seemingly a dying: they were pinned so close, they almost never got themselves moved, and were almost stifled for want of air. Two hundred and fifty seven of them being pent up in the room which could scarce have contained a hundred, many of them frequently fainted, being almost suffocated. The seamen's rudeness and inhumanity to them was singular: when lying in the road, not only did they hinder their friends to see them, or minister to their necessities, but they narrowed them very much in their bread they ought to have had, and allowed them little or no drink, though the master had contracted to give both; to that pitch were they brought, that divers of them were forced to drink their own urine, to quench the extremity of their thirst. And it may be nauseous to remark, that, when they were about to throw their excrements over board, the seamen were so malicious as to cast them back upon them. It is with much truth then, that I find one of themselves, James Corson, a pious serious person, in some letters of his dated from Leith road, complaining to his wife and friends, 'that all the trouble they met with since Bothwell, was not to be compared to one day in their present circumstances; that their uneasiness was beyond words: yet he owns, in very pathetical terms, that the consolations of God overbalanced all, and expresses his hopes that they are near their port, and heaven is open for them.' I am told, there was fourteen thousand merks collected for their use by honest people at Edinburgh, and put in the hands of some, to buy clothes and other things for them, and somewhat was to be given to each of them, that might relieve their necessities when in America: but I don't hear it was so well employed for their behoof as it might have been, and not much of it was ever suffered to come to them by the master and seamen; the most part of them never came to need it. Upon the 27th of November the ship sailed from Leith, and met with very great storms. Upon the 10th of December they found themselves off Orkney, in as dangerous a sea as perhaps in the world. They came pretty near the shore, and cast anchor: the prisoners, fearing what came to pass, intreated to be set ashore, and sent to what prison the master pleased; but that could not be granted. Instead of this, the captain, who, by the way, I am told, was a papist, caused chain and lock all the hatches under which the prisoners were. About 10 at night, the ship was forced from anchor by a most violent tempest, and driven upon a rock, and broke in the middle. The seamen quickly got down the mast, and laying it betwixt the broken ship and the rock, got ashore; yet so barbarous were they, that, upon the cries of the poor men, they would not open the hatches, though it is probable, had this been done, most part would have got ashore. But so far from this was the popish master, and his men, that I have many concurring informations, some of them from persons present, that they hindered them from getting up upon the rock, and struck at them. And yet this villain and his men were never called to an account by the council, though the matter was notourly known; and this was as directly murder, as if their throats had been cut. However, about forty, some say fifty, got hold on boards of the ship, and came ashore, and so about 200 were lost, or rather murdered. 1679.

I conclude this tragical story, by remarking from the proclamation of indemnity, of the date July 27th, that the king, by his letter of the 29th of June, orders the lives of the prisoners, who refused the bond, to be secured, when he appoints them to be transported; and, by the indemnity itself, their lives are a second time secured them: hence I must infer, that, not only by the law of God, the villains, who were guilty of this barbarity to these good men, ought to have been prosecuted, but the council, as executors of the king's laws and letters, had they shown the same regard to the king's will and engagements in this case, as in other pretended infractions by the presbyterians, ought to have pursued these people for murdering so many whose lives the king had ordered to be preserved. But it is time now to come to the managers' own public murders as

1679. in some respects they may be termed, or executions under colour of law.

SECT. III.

Of the trial and execution of Messrs John King and Kid, August 14th, 1679, and the trial and death of the five who suffered, November 18th, at Magusmair.

I HAVE reserved the sufferers unto death, immediately after Bothwell, unto this section. The managers were resolved to make some public examples of their severity; and they pitched upon the two ministers, the only ministers taken; it may be, had there more fallen into their hands, they would have taken the same methods with them. I cannot indeed say whether Mr Kid was ordained; if he was, it seems to have been but a little before Bothwell. With them in a little time they join five others, under the pretext of their being concerned in the primate's death: but it is certain, they were absolutely free of that attempt. Many others indeed were executed in the following years for no other reason, but that they had been at Bothwell, or would not expressly declare that rising to be rebellion and unlawful, as shall be afterwards noticed: but those seven were all who died publicly at this time; and by the process it will appear that they are found *guilty*, rather because some must *be made guilty*, than for any thing worthy *of death in them*, especially Messrs King and Kid, with whose trial I begin.

When Mr John King was taken prisoner, I know not. It is plain enough it was some time after the engagement, since his name is in the proclamation June 26th. I find him afterward at Glasgow, where he was either taken, or brought thither when taken. A very remarkable providence fell out that day he was carried east to Edinburgh, which I should not notice, were I not well informed of it. Upon the Lord's day orders were given to a party of soldiers immediately to march east, and carry Mr John King with them to Edinburgh; and we will find it was their ordinary to march, and especially to transport prisoners from place to place on the sabbath. My accounts of them are, that they were English dragoons: one of them, a profane and profligate wretch, after they were upon the street, and on horseback, ready to ride off with their prisoner, called for some ale, and drunk a health to the "confusion of the covenants," and another to the "destruction of the people of God," and some more very horrid, and rode off. He met with one of his comrades at the Stablegreen-port, who knowing nothing of the matter, asked him where he was going; he answered, "to convoy King to hell," and galloped up to the rest a little before him, whistling and singing. The judgment of God did not linger as to this wretch; he was not many paces forward in the hollow-path, a little from the port, till his horse stumbled, and somewhat or other touching his piece, which was primed and cocked, it seems, the carabine went off, and shot him dead in the spot. The party went on, and carried Mr King to Edinburgh, where we shall find him just now.

Mr Kid was among the prisoners taken at Bothwell, and with some few others, from whom discoveries were expected, imprisoned in the tolbooth of Edinburgh, June 24th. There he was frequently examined by some counsellers. He had been represented as a Jesuit popish priest, and what not; but he gave abundant discoveries of his being a firm protestant, and good man. He was narrowly examined as to the occasion and beginnings of the rising, and the persons concerned in it. The managers were very willing to find a great plot in this, and to involve as many as they could, that they might enrich themselves, and a good many who were gaping after new forfeitures. Mr Kid could tell no more but what is above narrated, that it was begun by Claverhouse his attacking a field-meeting; and the people who defeat him, found it necessary to keep together in their own defence, and others joined them, until matters came to the height we have heard. And when in his process, we shall hear, he was put to torture, he had no more to say; and indeed there was nothing further in the matter. All I meet with concerning him

in the council-registers, is July 14th. "Mr John Kid being this day called before the council, and interrogate upon several heads for the discovery of the rebellious correspondence, &c. (it runs thus verbatim in the register) and by his answers giving pregnant presumptions of his disingenuity, the council order him to be questioned by torture; and these same interrogatories being proposed in torture, he continued in his denial." I need not vindicate this good man from the charge of disingenuity; it is the common pretext at this time for this barbarous way of proceeding. He had ingenuously told all he knew in this matter before. Some papers say he was oftener than once in the boots. He carried under the torture most christianly and meekly, like a follower of the blessed Jesus.

By the justiciary registers, I find upon July 16th, Mr John King appearing before them, and when examined judicially anent his accession to the rebellion, his confession was put in writ, and he signed it. The lords order it to be insert in the books of adjournal, to be adduced as probation against him. I shall give it just now in the process. He had been examined July 9th, before the council, and repeats his confession frankly before the justiciary, that he might escape the boots, and not die two deaths. And July 17th, the lords of justiciary called before them Mr John Kid preacher, and having judicially examined him anent his accession to the rebellion, his confession was put in writ, and ordered to be insert in the books of adjournal, and he required to sign it, which he refused to do, and the lords subscribe it. The same day the lords of justiciary receive a letter from the king, to encourage them in their procedure against the sufferers, which I shall notice further upon the last section. Indeed they were abundantly frank, where there was any shadow of law to go upon. Mr King and Mr Kid upon the 22d of July, receive their indictment from the advocate; and upon the 24th, they petition the council, that they may be allowed advocates to plead for them upon Monday 28th, when they were to be tried for their life; and Mr David Thoirs and Mr William Monnipeny are allowed them. At the direction of those lawyers, a petition is presented to the lords of the justiciary, which containing several matters of fact, relative to them, and showing the hard measure those two good men met with, I shall insert it here from the registers. 1679.

Petition of Messrs John King and Kid prisoners,

Humbly sheweth,

That the petitioners upon Tuesday last the 22d instant, late at night, received a citation, at the instance of his majesty's advocate, to appear before the lords of justiciary, upon Monday next, to underly the law, for several crimes and points of treason contained in the indictment then delivered to them. True it is that the petitioners have several grounds of exculpation, which might tend to the clearing of their innocence; as, 1mo. The said Mr John King, his being in company with the rebels did proceed from no rebellious principle; but being taken prisoner by Claverhouse, he ordered him to be bound in cords, and, after that Claverhouse and his party had retired from Loudonhill, he was found by the rebels in that posture, and detained almost still by them a prisoner until the defeat, and not suffered to go from them: so that, in effect, he was always in the quality of a prisoner. 2do. During the time he was with them, he not only refused to preach, but he was so far from encouraging them to rebellion, that he made it his work to persuade them to return to their former loyalty and obedience, and *de facto*, persuaded severals to go from and desert them. 3tio. Albeit he had sometime a sword about him, yet he never offered to make use of the same directly or indirectly, or to make any resistance to authority; and he only carried a sword to disguise himself, that he might not be taken for a preacher; and he did make his escape before the engagement. And the said Mr John Kid, 1mo. Did not only retire from them how soon he heard of his majesty's proclamation, but, when some of them came to his house to persuade him to return, he absolutely refused. 2do. He continued at his own house, and always

1679. exhorted such of the rebels as came to him, to lay down their arms, and supplicate for pardon. 3tio. At the desire of them that were most peaceable, he went, in the simplicity of his heart, to Hamilton, to persuade them to obedience, and for no other end or account whatsomever. 4to. When Robert Hamilton, and some other of the ringleaders, became enraged with the petitioner's peaceable advice, he came on his journey homeward, and was pursued by a party of the rebels, who threatened to kill him if he would not return, neither had he any arms, but a short sword, to disguise himself from being known as a preacher. 5to. When taken, and since he got quarters and assurance of his life from my lord general, who was impowered by his majesty to pardon and remit, and both the prisoners, with others, had so far prevailed with the most part of the rebels, that if his majesty's forces had forborne to assault for two hours longer, they had all, or most part of them, submitted and yielded. And as for being present at field conventicles, if the defenders shall purge themselves of the rebellion, as, no doubt, they will, they are secured for this by his majesty's late proclamation. Likeas they have several relevant objections against some of the inquest: and seeing the petitioners are able to prove the haill of the premisses by witnesses above all exception, in case they had an exculpation allowed them for that effect, and which by the law of the kingdom, and custom of the court, cannot be refused them; and seeing by the said practice and laws, no person can be indicted for capital crimes, upon less than fifteen free days, whereas the petitioners are indicted upon five at most; therefore humbly crave, that the lords will allow them an exculpation and diligence, for summoning of witnesses for proving the premisses, and several other defences which they have to eik and allege; and to allow them a competent time to execute the same, seeing their witnesses live at distance in the west country; and to prorogate and continue the diet until that time.

We have no ground to question the matters of fact in this petition, since so peremptorily they undertake to prove them. The style is evidently that of their lawyers, and when people are under their management, it must be expected their petitions will run in their phrases, as a patient must follow a physician's prescription. This petition was probably presented by their advocates to the justiciary. Their dying speeches and known sentiments make it evident, they of themselves would never have termed this rising a rebellion. The lords peremptorily refuse them an exculpation, but allow diligence for citing of witnesses against the appointed diet, to prove their objections against the assizers contained in the list given them. This was certainly hard measure; and, if the reasoning in the petition hold, contrary to law, and, I am sure, to equity, since the probation of these facts which they undertake, would have cleared them of the rebellion libelled. But the design was formed, that these two innocent persons should die.

Upon the 28th of July, Mr King and Mr Kid are brought before the justiciary. Their indictment was first read, which I shall give but in abstract. It bears, "that they had been in the rebellion, and in company with rebels, who in May last burned the king's laws; that they had preached at several field-conventicles, where persons were in arms; that they did preach, pray, and exercise to rebels, and continued with them till their defeat, and had been taken prisoners." The king's advocate adduced for probation their confessions before the council and justiciary, which now they adhered to, and they are as follow.

Edinburgh, July 9th.

'Mr John King confesses that he was in the rebellion, with arms. Being interrogate what gentlemen he saw there, declares, he remembers Earlston younger was there That the night of the fight, he declares, he was in a place near Strathaven, called Peithill, next night at Muirkirk; denies he was at Glasgow that Monday, when the king's forces were assaulted by the rebels; denies that ever he heard of a rising before the same was; denies he ever was on any council with the rebels

at any time. Says, he thinks the rebels were never better than five or six thousand men; that he knew not any person chosen general, but that Robert Hamilton took on him the command. Declares, that upon the Sunday after he was rescued from Claverhouse, he went westward towards Newmills, and did not join with the rebels till the Wednesday thereafter; that he knew John Balfour of Kinloch and Rathillet were among them, but not that they were murderers of the archbishop. Confesses, he was in the bishop's close in Glasgow, but not within the house, nor drank there. That when taken he had two pistols on him.

'JOHN KING.'

Mr John Kid's confessions before the council and justiciary, adduced against him, follow.

Edinburgh, July 9th.

'Mr John Kid confesses before the council, that he preached at field-conventicles in Stirling-shire, and Clydesdale, but never at any, where there were men in arms, except two; one of which was at the moss, which lies on the west end of Livingstone parish betwixt and the Shots in the dead of winter, but cannot remember the other.

'JOHN KID.'

Edinburgh, July 17th.

'Before the justiciary Mr John Kid confesseth he preached at several field-conventicles, and at some of them there were armed men, particularly at Monkland, who dismissed after sermon. That since, he did not preach in any where but in Andrew Thomson's barn in Monkland. That twelve days before the defeat, he went to the rebels, and that night went out of their camp to a country man's house more than a mile distant, which house is beside the Moderell, but hath forgot its name, and that of the man. He stayed there three days, and returned to the camp the second time, and that same night went from the rebels to Robert Marshall's house in Monkland; and four days after that, being the Thursday before the defeat, he again went to the ligger, and went to quarter in a gentleman's house, at some more than a mile's distance, and came back towards the camp on Saturday before the rout; and was with them upon Sunday, when he and some of his friends came along to hear what was the effect of the parley at the bridge. Declares, he had a shabble with him, which he brought the second time he came to the rebels, and got from Robert Thomson, and was about him when taken. Declares, he was taken two or three miles from the field where the rebels were defeat, his horse having bogged with him. This he declares to be truth, but refuses to subscribe. Edinburgh, July 28th, judicially confesseth the truth of the above declaration, and abides at the same, and craves pardon for not subscribing it, and throws himself on the king's mercy, and the Lord's favour. 1679.

'JOHN KID.'

There were no reasonings, nor was there room for any. With those confessions the advocate declared he closed the probation. The lords remit the matter to an assize, and the assize unanimously bring them in as guilty by their own confession of preaching at field-conventicles, and being in arms with the rebels. The lords appoint them "to be taken to the market-cross of Edinburgh, upon Thursday August 14th, betwixt two and four of the clock in the afternoon, and to be hanged on a gibbet; and when dead, that their heads and right arms be cut off, and disposed of as the council think fit; and that all their land be forfeited, as being guilty of the treasonable crimes foresaid; which was pronounced for doom."

After what hath been narrated, the severity of this sentence does fully enough appear. They had no evidence against them, but their own confession, which was partly gained by promises, and extorted by the boots. The rebellion they offer to purge themselves from, and have an exculpation refused to them; and though the law did make preaching at field-conventicles death, yet there is no probation of this against Mr King, and the king's proclamation secured them both; and the indemnity pro-

1679. claimed a little before their death pardons that in others.

The day after their sentence, I find Mr Stevenson, brother to doctor Stevenson, rides up post to London, to procure a remission; and I question not, but the duke of Monmouth, who, it seems, had pardoned Mr Kid, if access had been got to him, would have used his interest; but the death of these two being resolved on at Edinburgh, nothing was got done. Accordingly upon the 14th of August, after the king's indemnity had been proclaimed with a great deal of pomp in the forenoon, the sentence was executed upon these two successful preachers of the gospel, in all its points. They died in full peace, serenity, and joy, and their speeches being already more than once published in Naphtali, I do not insert them here. Their heads were cut off, and their right hands, and affixed upon the Netherbow-port of Edinburgh, beside that of Mr James Guthrie, as new monuments of the injustice of this period.

Were it worth while, I could at a great length refute the silly and groundless aspersions cast upon these two good men by that scandalous paper before mentioned, "The Spirit of Popery speaking out of the Mouths of fanatical Protestants," and expose the weakness and virulence of that foul-mouthed author; but I am unwilling to rake into so vile a heap of slander and lies. The writer pretends to be a Scotsman, and asserts, "the Latin tongue is as common among the men in Scotland, as their mother tongue; that the Highlanders who came down upon the west country, were a very civil, generous, and governable people; that the worthy and excellent persons who suffered after Pentland, were drunk like beasts with ale and brandy, the day on which they were executed;" which are known, foolish, and abominable untruths, with a vast deal of such senseless stuff. His proofs that the presbyterian ministers were all Jesuits, and maintained jesuitical principles, are such as make me jealous the author of a design to recommend Jesuitism. He casts together some jesuitical tenets which were never maintained by presbyterians, and mixes in with them a great many others maintained by no Jesuit that I know of; such as, "condemning the English liturgy; that prelacy is an antichristian constitution; that it is popery to observe festivals; that there is a mutual reciprocal obligation betwixt kings and subjects; that magistrates in church-matters have only a cumulative, not a privative power." If this be Jesuitism and popery, let the reader judge. In short, this passively obedient author endeavours to bespatter our reformation and reformers, and hath nothing I can see but a hotch-potch of lies and slander gathered up from papers and books many a time answered, such as Lysimachus, Nicanor, Balcanquell's large Declaration, Presbytery displayed, and Ravillac Redivivus; to which he adds a new legend of most groundless stories upon presbyterian ministers and others, furnished by the prelatic clergy in the west about this time, which are known to be abominable lies, some of them destroying themselves, and all of them frequently exposed and answered; so that they are neither worth repeating or refuting.

I come now forward to give some account of the other five men who were executed in November at Magus-muir. Thither the council sent them to die, to declare their detestation of the murder of the primate in that place: but it is merely for Bothwell they were condemned; and there was no probation of their having any share in that attempt; and they to their last declared their freedom from it. It was a new instance of the righteousness of our managers, to brand them with this, and put them to death there, as if they had been guilty. I shall likewise give their trial from the justiciary registers. We have already seen the king's letter, of the date July 26th ordering this trial.

Upon the 26th of August, William Richardson in Stonehouse, Thomas Brown shoemaker in Edinburgh, John Balfour in Gilstoun, Alexander Balfour there, Thomas Williamson in Over Wariston, Robert M'Gill in Gallashiels, Robert Miller in Waterfoot, James Paton in Inverkeithing, Andrew Thomson in Sauchy, are indicted for treason in joining with the rebels in June last. The lords continue them till

the last day of September, and allow them for advocates Mr Walter Pringle, Mr David Thoirs, Mr William Monypeny, Mr Patrick Hume, Mr William M'Calm, I find no more about these nine in the justiciary registers, till November 10th, when some of them, with a good many others, are before the justices. But November 8th, "the council remit to the advocate to pursue before the criminal court the prisoners in the tolbooth of Edinburgh, to the number of thirty, who have refused the bond, or such of them as he thinks fit." Accordingly, November 10th, I find James Findlay, Thomas Brown, James Wood in Newmills, Andrew Sword weaver in the stewartry of Kirkcudbright, John Waddel in new Monkland, John Clyde in Kilbride, with a great many others, pannelled before the justiciary. Their indictment being the ordinary form used against most part who suffer, for some years, I insert from the registers.

"Whereas, by act 1. parl. 1. James I. Act 14. parl. 6. James II. Act 6. parl. 7. James II. and many other laws, perduellion and rising in arms are declared treasonable crimes, and are to be punished with the pain of death. Nevertheless it is of verity, that albeit the king's majesty, their gracious sovereign and natural prince, had, by indemnities and remissions, covered and concealed from the eyes of strangers, all those extravagancies, which they and those of their profession had for a long series of years owned openly, to the great contempt as well as ruin of his majesty's authority, protecting their persons, as it were, against his own laws, and preferring their safety to his own security: yet the said persons, shaking off all fear of God, and respect, not only to his majesty's laws, but to human society, did enter into a deep combination to overturn the fundamental laws both of church and state, professing openly, that they would have a parliament of their own constitution, wherein there should be neither bishop nor nobleman. And in order whereunto, upon the 29th of May last, and because that day was set apart for thanksgiving to the eternal God, in commemoration of his majesty's happy restoration, did burn at the cross of the royal burgh of Rutherglen, those acts whereby his majesty's royal prerogatives were established; and did, by a public proclamation, declare his majesty an usurper, and that he had robbed Jesus Christ of his crown, because (forsooth) he would not acknowledge them and their ministers to be Christ's infallible vicegerents and to be superiors to him in his own kingdom. And after they had thus entered into open hostility against his majesty and their native country, they, at Loudon-hill, on the first of June thereafter, engaged with his majesty's forces under the command of the laird of Claverhouse, captain of one of his majesty's troops of horse, and gave for a word to the soldiers, 'No quarter.' And albeit they got quarter, they refused it universally to all who fought for his majesty, hewing to pieces in the most barbarous way that ever was known, any whom they could kill. And having joined with the bloody and barbarous murderers of the archbishop of St Andrews, who, as their emissaries, killed his grace, and whom they rose in arms to protect as such, they immediately did convocate the whole country, to the number of ten or twelve thousand, and assaulted his majesty's burgh of Glasgow, and having entered the same, did rob and spoil his majesty's good subjects, did open the prison doors, and throw out of the graves the dead bodies of such children as belonged to the orthodox clergy, commanding, by a most insolent act of their supremacy and mock judicatory, all the orthodox clergy, to remove themselves, their wives, and families, from the western shires, under pain of death. And having threatened with fire and sword all such of his majesty's good subjects as would not join them, and to plunder and ravage their houses, and rob their horses and arms, did, to the number of ten or twelve thousand, elect and nominate Robert Hamilton their general, because he had burned his majesty's laws and acts of parliament, and John Balfour, alias Burgle, David Hackston of Rathillet, and their chief officers, because they had declared in an open assembly, (lifting up

1679.

their hands) that these were the
1679. hands which murdered the archbishop of St Andrews. And did by these officers condemn and execute these who had served his majesty, particularly a butcher in Glasgow. And upon the day of June last, under the conduct and command of these officers, they marched to the town of Hamilton, where, upon the day of the said month, they refused to lay down their arms, being specially invited and required thereunto by his grace the duke of Buccleugh and Monmouth, captain general of his majesty's forces, who promised to take them into his special protection, and to intercede for his majesty's mercy and clemency to them all, which they refused, sending most insolent and rebellious propositions to his grace, wherein they required, in express terms, the overturning of the present government of the church, and several other things destructive to his majesty's government; and because these were refused, they did, after they were drawn up, and divided in regiments and companies, march towards his majesty's army, and fire at them: but God having, by a remarkable judgment, defeat them by their own consciences, his majesty did, by another unparalleled instance of his unwearied goodness, issue out an act of indemnity, dated the day of securing to them their lives, providing they should oblige themselves, not to take up arms against his majesty or his authority: in pursuance of which, they should have made application for getting benefit of the said indemnity, by offering to subscribe a bond never to rise in arms against his majesty or his authority, betwixt and the 18th day of September last. Notwithstanding they failed therein, yet the said bond was several times tendered to them; and particularly, upon the day of October last, the same was offered to them by the lord justice-general, and Mr Richard Maitland of Gogar, with certification as effeired: and though they contemptuously refused the same, yet it was again offered unto them upon the last day of October last, and the 3d day of November instant respective, which they again refused, though in duty they were tied to the obligation therein, albeit the same had not been offered benignly to them, as the ransom of their lives which they had justly forfeited. And by declining whereof, and refusing to call the late rebellion a rebellion, they discovered fully their traitorous inclinations to continue in their former rebellious principles. Of the which crimes, the forenamed persons, and ilk one of them, are actors, and art and part. Which being found by an assize, they ought to be punished with forfeiture of life, land and goods, to the terror and example of all others to commit the like hereafter."

This odious and false representation of matters of fact, with a very little change, as circumstances required, I find used in the processes of this nature in the justiciary books, therefore, and because I take these and the like black aspersions in the public papers of this time, which were never proven, nor designed to be proven, but patched up from the lies the army and clergy brought in to Edinburgh, are the fund out of which the viperous and party writers in defence of this time, with lying additions of their own, make up their pamphlets and books, whereby presbyterians are blackened, and the cause of tyranny and arbitrary government supported.* It may not be out of the road to make a few reflections upon this indictment. And they fall into two sorts as to matter of fact, and as to its relation to the persons in the pannel. The candid representations of things in the former part of this history will take off the most part of the allegations and aspersions heaped together here by the advocate. How far it may be ordinary in these cases to aggravate and calumniate, that at least the criminal may be hit by somewhat or other I do not know: but this I am persuaded of, that scarce one of the facts here charged, in the manner here represented, is true. There was no com-

* The same misrepresentations have been repeated, with new additions, by almost all who have written upon the subject, till by reiteration they have gained the full belief of their inventors, and are now very generally supposed to be well authenticated facts.—*Ed.*

bination entered into for overturning fundamental laws, by the people at Bothwell, or before it, as appears by their own declaration, and their professed and known purpose to have the government, and the exercise of it, brought from an arbitrary despotic management, to an administration according to law. That they craved a parliament in its freedom, is certain; that it might sit without prelates was their wish, though not sought; but that it should be without the nobility, was never in their thought. What was done at Rutherglen, was the act but of a few, and never approven by others, and here misrepresented: and it was never their opinion, nor that of any presbyterian, that their ministers were Christ's infallible vicegerents, and superior to the king in his kingdom. These are innuendos equally wicked and groundless. I never heard of any word given at Drumclog*; neither can I believe it was that named. The alarm was sudden, and the circumstances such as did not need any word; and that quarters were given, is certain enough. * It is inconsistent with the circumstances of time and matter of fact, to add, that the murderers of the archbishop were emissaries of these people, and that they rose in arms to protect them. It was unworthy of the advocate to produce such self-contradictions before a grave court, and to add so notour an untruth, that with ten or twelve thousand they attacked the city of Glasgow: what allowances must we make to writers at distance in our affairs, when our own people blunder so grossly, and I fear designedly! Every body knows, that gathering at its greatest was not half that number; and when Glasgow was attacked, they were far from so many hundreds, I had almost said scores. The spoiling of Glasgow, opening prisons to let out any malefactors, and far more their opening of graves, are malicious untruths, and of the same kidney with the senseless proclamation, and pretended judicatory upon the butcher, which follows.† Of the same sort is their electing Robert Hamilton, and Balfour, and Rathillet, because they had owned themselves murderers of the primate. These are all idle and false stories, as appears abundantly from what is above. 1679.

I am ashamed to insist so long upon such stuff, which I doubt much if the advocate believed when he put it into the indictment. The reasons of any thing that is true in what follows, have been already given. As to the relation those things bear to the persons in the pannel, at least the five executed, we may notice, that the archbishop's death is not so much as charged upon them; though, from their being executed at Magus-muir, it is too generally thought, and printed likewise, that these persons had a share in this fact. Further, it is more than probable none of them were concerned in most of the facts charged, some of them only being at Bothwell, and one without arms too. Such a charge as this, had it been matter of fact, would have answered Mr Hamilton, and some few others of them; but it bears no relation to the poor common soldiers, such as these five were, whose lives the king had spared by his express letter; and it seems to have been a bloody freak, to have some people executed in the place where the bishop had been killed. And indeed no other account of it offers to me; for those five were perfectly in the same circumstances with the rest of the prisoners who refused the bond.

However the indictment is read, and sustained: all the rest, except the five who were determined to be put to death, are continued to another diet, and at length dropt, at least I find no more about them in the registers. Thomas Brown, John Waddel, Andrew Sword, John Clyde, confess judicially they were taken in arms: and the bond is offered to them judicially, which they peremptorily refused, as a condemning of Bothwell rising, and their

* Robert Hamilton, in one of his letters, (1684) acknowledges having given such a word; but probably Mr Wodrow had not seen that letter at the time of publishing his history.—*Ed.*

† James Russel acknowledges such a judicatory, and their proceedings were certainly righteous. Kirkton, p. 457.—*Ed.*

1679. own practice; neither would they acknowledge Bothwell rising to be a rebellion. The assize find them, by their own confession, guilty of being in arms at Bothwell; and the lords' sentence is, —"That they be carried to the muir of Magus, in the sheriffdom of Fife, the place where his grace the archbishop of St Andrews was murdered, upon the 18th of November instant, and there to be hanged till they be dead, and their bodies to be hung in chains until they rot, and all their lands, goods, and gear to fall to his majesty's use."

James Wood's case was a little different from the other four: the probation against him is some oaths of soldiers, that he was taken at Bothwell: and the assize are so just as to bring him in, as being taken at Bothwell without arms; and yet the judges throw him in with the rest, and pass the same doom upon him. This is another instance of the illegal and severe procedure of this period, to hang a man, and put him up in chains, as a murderer of the primate, who was only present at the gathering at Bothwell, without arms.

Accordingly they were all executed in Magus-muir, upon the day abovenamed. Their speeches in Naphtali bear the date of November 25th, whether this be a mistake in the printing, or the council, for some reasons, prorogate the day, I know not, it is not material. Their joint testimony, general and particular, with their speeches, and dying words upon the ladder, are all printed in Naphtali, and I do not swell this work with them. I have before me some of their letters to their friends, full of a strain of piety and seriousness, wherein, as in their printed papers, they give the reasons why they could not save their lives by taking a bond which they judged unlawful, and declare their being entirely free of the death of the primate, with their hopes of the pardon of their sins, and everlasting happiness, in a very humble and christian manner.

Thus I have given as fair and full an account of such who were put to death this year, for their accession to Bothwell, as I could. It was the care of the managers, and a pleasure to the clergy, that the only two preachers taken should be cut off, and they suffer properly for preaching of the gospel in the fields, and are both very full in owning the king's authority; and the five country people are made a sacrifice, as it were, to the place of the primate's death.

SECT. IV.

Of the circuit courts held, and the gentlemen who were forfeited, after Bothwell, this year.

THE council, as we have heard, were not idle in the prosecution of such who had been at Bothwell; but, to make the severities upon this score the more extensive, circuit courts are established through all the corners of the country, where it could be supposed any of these people were. We shall meet with circuit courts almost in every succeeding year of this reign. Matters were now taking a new turn at court: Lauderdale had in appearance prevailed over those who opposed him. This juncture was too favourable to be neglected by our prelates and managers; and to gratify them, and supply the hungry dependents of Lauderdale's party out of the estates and goods of such whom they inclined to find guilty, these circuits were appointed.

The proclamation, of the date August 14th, will give us the alleged reasons for these circuits, and therefore I insert it below.* As it was published the same day

---

* *Proclamation for Circuit-courts, August 14th, 1679.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lovits

heralds, macers, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as, by our proclamation of the 27th day of July last, we have indemnified and pardoned, with the exceptions therein specified, all such as were engaged in the rebellion 1666, or the late rebellion in this present year 1679, providing they appear before such as our privy council shall nominate, betwixt and the days expressed in the said proclamation, and enact themselves in manner therein mentioned. And as it is our royal intention, that the said pardon and indemnity shall be effectual to all such persons as shall accept the benefit thereof; so it is our express will and pleasure, that such

with the indemnity, so it is designed to enforce it; and such as take not the benefit of it, are to be prosecuted before these courts: a proof that our managers were willing to cramp, and narrow the king's indemnity as much as possible. All who were concerned in the rising at Pentland thirteen years ago, all who had 1679.

persons as shall not enact themselves betwixt and the days expressed *in the said proclamation*, be proceeded against with the utmost severity the law does allow. As also it being most just and necessary for vindicating the honour and reputation of this our ancient kingdom, that the persons guilty of that horrid assassination and murder of the late archbishop of St Andrews (which we will never forget) may be brought to condign punishment, and all legal courses taken for that effect: therefore we, with advice of our privy council, do ordain justice-airs, or circuit-courts to be holden by the commissioners of our justiciary, at the places, and upon the days aftermentioned, viz. at the town of Stirling, the first day of October next, for the shires of Stirling, Dumbarton, Clackmannan, Perth besouth the river of Earn, and the stewartry of Monteith; at the town of Glasgow, the eighth day of October, for the shires of Lanark and Renfrew; at the town of Ayr, the fifteenth day of October, for the shire of Ayr and jurisdictions within the same; at the town of Dumfries, the twenty second day of October, for the shires of Dumfries and Wigton, the stewartries of Kirkcudbright and Annandale; at the town of Cowpar in Fife, upon the first day of the said month of October, for the shires of Fife and Kinross; at the town of Edinburgh, the eighth day of October, for the shires of Edinburgh, Haddington, and Linlithgow; at Jedburgh the fifteenth day of October, for the shires of Roxburgh, Selkirk, Peebles, Berwick, and bailiary of Lauderdale. With power to the said commissioners to divide themselves in two circuit-courts, to the effect foresaid. In which courts the said commissioners are to proceed against the persons who were engaged in the said rebellion, and have not accepted, or shall not accept the benefit of our indemnity, by enacting themselves in the terms of our gracious proclamation, within the diets therein mentioned, and particularly against the murderers of the late archbishop of St Andrews; and that the said commissioners issue citations against all the said rebels, and specially against the said murderers, containing a particular description of these murderers; which citations are to be executed at the market-cross of the head burghs of the shires where these persons dwell, or formerly dwelt, or where they ordinarily haunt and resort, to the effect that none may supply, harbour, commune or correspond with the said murderers, nor with any other of the rebels, before these other rebels, not accessory to that horrid murder, enact themselves, conform to our act of indemnity; and in case any person shall contravene, they shall be proceeded against with all rigour, as accessory to the said rebellion and assassination. And further, we, with advice foresaid, do ordain the heritors and masters of the ground where any of the rebels have their dwelling and residence, to present to the said justice-airs, the persons of these rebels, who shall not, before the diets contained in our act of indemnity, enact themselves not to bear arms against us, or our authority; with power to them to apprehend their persons: and in case of their refusal, to enact themselves (as aforesaid) to send them to the next prison, there to be detained and kept in sure firmance, until they enact themselves, as aforesaid, within the said diets, and thereupon be dismissed; or otherwise to detain and present them to the justice-airs. And in case the *said masters* do not apprehend them, by reason of their being fugitive, or latent, that after the said diets they remove them, their wives, bairns, and servants off their ground, under the certifications contained in the acts of parliament. And the clerks of the justice-court, are hereby ordained to go before the said diets, in due time, and take up a porteous roll of the names and designations of the said rebels, already known and contained in our proclamation, or that shall be delated upon oath to have been in the rebellion, or to have harboured the rebels before enacting themselves (as said is) or the murderers of the late archbishop of St Andrews, or have been at field-conventicles since our last proclamation of the twenty-ninth of June last, or that since the said day have threatened, abused, or robbed the orthodox clergy, and that they cause cite the persons guilty of the said crimes, to the said justice-airs, and that they take information upon oath, of the lands, sums, and moveables belonging to the rebels, and that they cause arrest the rents of their lands, sums, and moveables, and put the moveables upon inventar and bond in the custody of their masters; and in case their masters refuse, in the custody of some other sufficient person, to be made forthcoming in case they shall be condemned guilty of the said rebellion, and that they return an exact account thereof, and of their diligence, to our council at their next diet, being the eighteenth day of September next. And we, with advice foresaid, do hereby require the said commissioners of our justiciary, to proceed against such of the said murderers as were in the rebellion (though in absence) and that it be a part of their sentence, to be hanged in effigie, in all the shires of Scotland, that they may be more easily discovered and apprehended, that none be deceived in harbouring of them, or communing with them, under false names and designations. And for the encouragement of any person or persons to apprehend the said murderers, we do hereby give assurance to any who shall apprehend them, and present them to our council, dead or alive, or shall so discover them, as that thereby they be apprehended, they shall be indemnified, and rewarded in the sum of ten thousand merks Scots money; and in case of the concourse of more persons, by discovering, or joining in the apprehending of them, the said sum shall be divided amongst them; and in case any of the said murderers be apprehended and taken, or discovered, so that thereby they may be taken by any persons excepted in our acts of indemnity, they shall also be indemnified (notwithstanding they fall within the exception) and a pardon shall be passed for them under our great seal; and in case they apprehend John Balfour of Kinloch, and David Hackston of Rathillet,

1679. been at, or accessory to the rising at Bothwell, and the murder of the primate, who are coupled with the Bothwell people, to render them more odious, are to be prosecuted with the utmost rigour of law.

In order to the harassing the west and south of Scotland, the commissioners of the justiciary are required to divide themselves into two justice-airs, or circuit courts, the one to sit at Stirling the 1st of October, at Glasgow the 8th, at Ayr the 15th, and at Dumfries the 22d, the other is to meet at Cowpar of Fife the 1st of October, at Edinburgh the 8th, at Jedburgh the 15th, citations are appointed to be timeously issued out against such as were to compear, containing a particular description of the murderers of the archbishop. I question very much if they were able to give such a description of them as they promise. All suppliers, intercommuners, or corresponders with the said rebels and murderers, are to be prosecuted with all rigour as accessory to the rebellion and murder: here is large room to the lords of the circuit to attack multitudes. They are expressly required to proceed in absence, which, if it be meant to forfeiture, was what once in a day would have been reckoned illegal, and to burn in effigy the principal persons concerned. The heritors and masters of the land where the rebels live, are empowered to apprehend, and required to present them to the circuit, and imprison them till then. The neglect of this was matter of sore persecution to many loyal and religious gentlemen, and others, who had no mind to be actively concerned in the severities of this time; and if they be latent or fugitive, they are required to remove their wives, bairns, and servants off their ground. This was hard with a witness, for the alleged rebellion of the

---

dead or alive, they shall not only have their pardon, but also the reward aforesaid. Our will is herefore, and we charge you straitly, and command that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, as also to the market-crosses of the head burghs of the sheriffdoms, Haddington, Linlithgow, Perth, Roxburgh, Selkirk, Berwick, Peebles, Dumfries, Stirling, Dumbarton, Clackmannan, Lanark, Renfrew, Ayr, Wigton, Fife, stewartry of Kirkcudbright, and other places needful, and there by open proclamation, make publication of the said circuit-courts to all our lieges and subjects, wherethrough none pretend ignorance of the same, that the said circuit-courts are to be holden upon the days, and at the burghs and places respective abovewritten; and that ye command and charge all dukes, marquisses, archbishops, earls, lords spiritual and temporal, barons, and others of our freeholders, who hold lands of us in chief, and owe suit and presence within the several bonds, shires, and precincts belonging to the said respective circuit-courts, to compear before the said commissioners, at the said courts, upon, and at the days and places foresaid, with continuation of days, to do whatever in law is incumbent, and ought to be done by them in that behalf: as also that ye command all and sundry the said dukes, marquisses, earls, lords spiritual and temporal, as also lords of regalities, stewarts, barons, sheriffs, justices of peace, bailies, chamberlains, magistrates and ministers of our laws, and all subordinate judges within our sheriffdoms abovewritten, and whole lieges of the same, that they, and every one of them, give all due respect to our commissioners and justices foresaid, and such special assistance as to their offices and duty appertains, and as is incumbent to them by the laws and acts of parliament of this our ancient kingdom, as they, and every one of them will answer upon the contrary, and under all highest pain and charge that after may follow. And particularly that ye command our sheriffs, that they cause sufficient and legal men compear before our said commissioners at the foresaid diets, and such diets and places as the said commissioners shall appoint for assizes and witnesses, as they shall be cited to that effect. As also, that the said sheriffs and freeholders within the said shires and bounds, meet our said justices, at their entry into the same, and convoy them into the same, and accompany them during their remaining there, ay and while they be received by our next sheriff and his deputes, into the next shire. And we ordain these presents to be printed. Given under our signet at Edinburgh, the fourteenth day of August, 1679, and of our reign the thirty-first year.

ALEX. GIBSON, *Cl. secr. Concilii.*

Follow the names of these appointed to take bond from the rebels, in the several shires following, viz.

For the shire of

Edinburgh,	The lord Collington,
Haddington,	The earl of Winton,
Linlithgow,	The earl of Linlithgow,
Perth,	The marquis of Montrose,
Roxburgh,	The earl of Roxburgh,
Selkirk,	The laird of Hayning,
Lanark,	The earl of Carnwath,
Dumfries,	The earl of Queensberry,
Ayr,	The earl of Glencairn,
Dumbarton,	The earl of Wigton,
Fife and Kinross,	The lord Chancellor,
Wigton,	The laird of Burghton,
Stewartry of Kirkcudbright,	The earl of Nithsdale,
Peebles,	Sir William Murray of Stenhope,
Stirling,	The earl of Mar,
Renfrew,	The lord Ross,
Berwick,	The earl of Hume.

GOD SAVE THE KING.

head to make the whole family to suffer, and proved matter of much sore and heavy trouble to many poor families. The clerks of the court are ordered timeously to go before, and take up Porteous-rolls of the designations of the rebels named in the proclamation June 26th, or that shall be delated upon oath to have been in the rebellion, or harboured rebels, or murdered the archbishop, or have been at field-conventicles, or have threatened, robbed, or abused the orthodox clergy: these are good large subjects for their rolls. All those are to be cited, and informations taken upon oath of the value of their lands, moveables, and what bonds they had; accounts whereof are to be laid before the council, September 18th. A reward of ten thousand merks is offered to such who bring in any of the murderers of the primate, dead or alive, to the council: and even the persons expressly excepted in the indemnity shall be indemnified, and have the reward, if they can apprehend John Balfour of Kinloch, and David Hackston of Rathillet, dead or alive. And, for the greater solemnity, all dukes, marquisses, archbishops, earls, lords, spiritual and temporal, barons and freeholders, are charged to attend, and give respect and concurrence, as law requires, and assizes and witnesses are to be got ready.

I should now give a view of their procedure in those circuits, but their minutes and registers are not preserved, as far as I can find. A great deal of the severities of this period, that were committed at these circuits, are quite buried, though indeed a great branch of the persecution lay here. Whether they kept registers, I cannot say; but the circuit up and down the country, appointed by the council, reckoned themselves accountable only to the council, and there are none of their proceedings noticed in the justiciary-books; and if they made any report to the council, I don't meet with it in any of their registers. And I have from other papers very little of their procedure this year: probably the western circuit had most business, since the people concerned in Bothwell were, generally speaking, in that precinct. According to the proclamation, the clerks came before the meeting of the circuits; and they, or persons deputed by them, went through every parish in the precinct of the court, and took up informations. The sheriffs and justices of the peace had been at great pains to prepare matters for these clerks and their assistants, by finding out persons proper to be witnesses against such who had been in the rising in each parish, and procuring informations where they dwelt, what lands, heritages, goods and gear they had; yea, so great was the pains taken in every parish, that, in most places, it was observed, they missed few or none, dead or living, who had been there; and a great many were insert, who had not been there. The curates, in such places where they were, laid out themselves to the utmost to get informations, and were very diligent this way, and helpful to these concerned. 1679.

Some difficulties, arising about the clerks' procedure, being represented to the council, I find what follows in the registers agreed to, August 26th. "The lords of his majesty's privy council having it represented, that, by the late proclamation for circuits, the clerks of the court are appointed to take information, upon oath, of the lands, sums of money, and moveables belonging to those who were in the late rebellion, and to cause arrest the rents of their lands belonging to them, and put their moveables under inventar and bond, in the hands of their masters, and, in case their masters refuse, in the hand of some other sufficient person, to be made forthcoming in case they shall be condemned as guilty of the said rebellion; and, desiring to know what course shall be taken, in case the persons, to whom the custody and sequestration of those goods shall be offered, refuse to take them, the lords, in the case foresaid, do order the sheriff-principal to secure these goods to be forthcoming, and give receipts to the clerk." From these informations the Porteous-rolls were framed. These rolls were filled with persons of all sorts who had any substance, without much regard to their being at Bothwell or not. Any envious neighbour, base prodigal, or bankrupt, in or out of the army, or the ill natured clergy, would inform against the most innocent, as, upon some pretence

1679. or other, accessory to the rising; and that was ground enough to put him into the Porteous-rolls: and when once in, the covetous donators obliged them to compound with them for their moveables, or seized them, even before any indictment or sentence. It was but few at that time who were willing to have their names brought in open court, if they could by any means help it; for people, who found themselves falsely informed against, feared, that, if they compeared and pleaded their innocence, they would likewise be falsely sworn against, by idle fellows who stuck at nothing, and unjustly condemned, or somewhat or other vexatious propounded to them. It would indeed be endless here to give instances of malversations and oppressions, contrary even to their own law, at this time; nor is it possible to give account of the vast sums of money paid, by bribes to clerks, to prevent being put into the rolls, or to get themselves dashed out of them, at and before this and the following circuits.

I find, by some papers relative to this year, that, generally speaking, the witnesses were sixteen in every landward parish, and twenty-four in every parish where there was a burgh royal or of barony. These witnesses, prepared in every parish, were cited in before the clerks and their assistants, to Glasgow, Ayr, Wigton and Dumfries, under the pain of forty pounds Scots. When the witnesses came in, they were put to declare who in their parish had been at Bothwell, or had been harbourers of any who were there; and all they named were put into the rolls. I see it remarked at Wigton, that those declarations were not made upon oath, but were only simple informations that they had heard so and so; and I jealouse it was so in other places. And though the proclamation does indeed require information to be given upon oath, yet the nature of the thing makes it plain, the witnesses could for most part only declare upon hearsay; and upon this did the persecutions run, and great numbers of innocents were informed against.

Next, the clerks with their assistants formed their indictments, with the lists of two or three of the witnesses they depended most upon, and issued summons to forty-five assizers. The reader will easily observe, without my help, what a vast trouble and expense these circuits were to the country, already harassed with the army. The pannels were indicted of being accessory to the murder of the archbishop of St Andrews, or being at Drumclog, resisting the king's forces, or being at the rebellion at Bothwell-bridge and Hamilton-muir, June 22d, or being at field-conventicles, &c. The witnesses and assizers were summoned to compear before the lords of the circuit, at the days and places respective, named in the proclamation, under the penalty of one hundred pounds Scots, and the persons indicted, were by their indictment charged to compear under the pain of rebellion, and clear themselves of those things laid to their charge, or hear themselves condemned, as law accords. At the days named in the proclamation, the justiciars, or lords of the circuit, came to the places respectively mentioned: a mighty parade was made in meeting them upon the borders of every shire, accompanying them to the place of meeting, and convoying them after the court was over to the next shire, and the country put to a great deal of charges this way.

I have very few accounts of particular persons processed before these circuits this year, but what will come in afterwards, when what was now begun against gentlemen and others was carried a greater length. Therefore I shall only in the general take notice, that at Glasgow, Ayr, and Dumfries, the lords had great numbers before them. Such who compeared not, being heritors, and confessed their being at Bothwell, had the bond offered to them.

I find the council, September 19th, write up to Lauderdale for liberty to the justices to offer the bond; which, by a letter from the king November 1st, is granted, when legal excuses are advanced for their not appearing formerly when the bond was in their offer. In the same letter his majesty declares himself satisfied with the prudence and moderation the earl of Argyle has shown in his procedure with the Macleans; and that he hath kept himself

within the bounds of his commission. Such who signed this bond were liberate, but I do not hear that many took it. Those who compeared and denied their indictment, were imprisoned until they found security to appear at Edinburgh, and answer to the things laid to their charge: this some did, and were put to a great deal of trouble thereby; however at present they were dismissed and allowed to go home. And all who did not compear, were declared fugitives, and denounced rebels. Very few heritors ventured to appear. The absent heritors were denounced, and a good many of them within a little forfeited. Noblemen, gentlemen, soldiers, and such who were most active in the arbitrary measures of this time, very soon procured gifts of the lands of the heritors, and most of them possessed them until the revolution. They or others got a right to the moveables of tenants, and those who had no heritage; and the soldiers came and spoiled their houses, goods and gear, and made a terrible havoc, seizing the goods and possessions of their friends and relations, as being alleged intromitters with what belonged to the rebels. Thus during the following years, there was a general devastation of all that belonged to any who complied not in every point with the course of the times.

I, promised in the next room, to give some account of the forfeitures passed upon persons who had been, or were alleged to have been at this rising at Bothwell. It was but a few who had this sentence passed against them that year; and therefore I shall much delay my accounts of this to the following years. The reason why their trials in order to forfeiture were delayed, was not want of inclination in the managers to be fingering the estates; for we see heritors are directly excepted out of the indemnity, and were in the eye of a good many very early; but either they for some time wanted full information of persons concerned in the rising, or the court was not fully determined as to the utmost of those severe courses, till towards the end of this year, or the managers could not agree among themselves about the dividing the spoil.

I shall, ere I end this work, insert the list of forfeited persons in this period, from the act of parliament after the revolution rescinding them. This year July 18th the council grant commission to prosecute a forfeiture against Alexander Hamilton of Kinkel; and the same day being informed, that John Cunningham of Bedland, formerly forfeited for accession to Pentland, was at Bothwell, they order him and his cautioners to be cited. We shall meet with him afterwards. I know not a more proper place to bring in an abstract of Kinkel's sufferings than here, when he is seized after Bothwell, from an attested narrative sent me by his worthy relations. He underwent a continued tract of trouble, almost since the restoration. When presbyterian ministers were forced from their charges, his house was a shelter to many of them in their wanderings. There they preached, and none were excluded who came to hear them. This being almost under the primate's eye, it drew down his indignation upon Kinkel, who was cited to appear at his courts, but he declined. The bishop went the length to cause cite him out of pulpit, in order to excommunication. The people of St Andrews, when they heard a person of Kinkel's piety and character, cited out of pulpit, merely for his conscientious nonconformity, to evidence their detestation of such methods, generally went out of the church. When the bishop saw his excommunication would be despised, he procured him to be intercommuned, which forced him to quit his house, and undergo innumerable hardships; and in a little time a garrison was sent to the house of Kinkel, who turned out his lady and family, when the lady Kinkel was very near to be delivered, and scarce could she find a house that would receive her, her husband being denounced. The garrison continued in the house several weeks and destroyed most of the plenishing, damaged the house, and eat up the provision in it. Captain Carstairs, of whom before, had particular orders about Kinkel, and, after frequent searches for him, one day attacked him, and killed his horse under him. All this time his family was in great difficulties. After Bothwell, he was taken, and the soldiers were very 1679.

1679. rude to him, bound him with cords, and carried him to Edinburgh, where he continued in prison about eighteen months. His family was then obliged to come and live at Edinburgh, where they were at vast charges, and a great deal of money was given to keep off what was daily almost threatened upon him in order to draw money from them. It stood yet more money to obtain some favour to him at London. Upon this he was liberate, upon condition that he should appear at the circuit, or where called, under the pain of twenty thousand merks. He was frequently called upon to extort money from him, and gave vast sums to the advocate and others. Thus, though he escaped forfeiture, his estate was ruined. At the liberty he came back to his house of Kinkel, after thirteen years' banishment from it, and set up a meeting-house. This soon brought him to new trouble; and by the then primate Ross his procurement, a party of soldiers came and carried him and Mr Orrock, who preached with him, to Edinburgh, contrary to the king's declaration of liberty. In a little time they were both liberate. Great were the hardships he underwent in this long course of sufferings, too long here to be insert.

There are no other processes before the justiciary this year, of a public nature, save one relative to the primate's murderers, which is deserted. November 10th, "John Brown of Drumsarhan, James Clow in Ballock, John Stevenson in Waterside, indicted for harbouring, assisting, and supplying John Balfour of Kinloch, David Hackston of Rathillet, George Balfour in Gilstoun, James Russel in Kettle, Robert Dingwal a tenant in Caddam, Andrew Guillan webster in Balmerinoch, Andrew and Alexander Hendersons, sons to John Henderson in Kilbrachmont, and George Fleming, son to George Fleming in Balbuthie, murderers of James archbishop of St Andrews, upon one of the days of May last, in manner contained in the indictment, given at the justice-ayr lately holden at Stirling in October last. The lords desert the diet for several causes." Eight other persons are pannelled upon the same score, and no probation being offered, they are dismissed.

I shall end this section with a short hint at another method taken at this time, which was yet more afflictive to the country, because it was more general. The king and council gave gifts of the moveables of such who had been at Bothwell, to whom they pleased; and in the uplifting of them, these donators extended their spulies to all such as they pretended were any way concerned in, connived at, or had harboured and reset those who had been at Bothwell. Under the notion of uplifting moveables, fearful and general ravages were made upon parishes, and prodigious sums were exacted generally by military force. The earl of Glencairn had the gift of the moveables of the parish of East Monkland in the shire of Lanark; and a party of soldiers came there with powers, as they said, from him, and robbed and spoiled all who were not exactly conformists to prelacy, whether they were concerned in Bothwell or not. Great were the insolencies exercised in that parish: to that height came they, that duke Hamilton interposed, and procured an order from council to withdraw those forces. Edmonston of Broich had the parish of Straitoun, in the shire of Ayr, given him, to uplift the moveables of such there who were concerned in Bothwell. Through the most parts of the parish, the soldiers in their march southward, as we heard, had perfectly spoiled the houses of such as they alleged were guilty; yet this new commission is granted for their moveables. Thus double, and sometimes oftener, punishment is inflicted for one fault. From that one parish Broich at this time exacted upwards of two hundred pounds sterling, besides much more loss which cannot now be computed. Few parishes in the west and south escaped this violent oppression; and one person would have had several parishes in gift; as the two just now named, and many others had. And if the persons who had these gifts could not narrowly enough look to them by themselves, they ordinarily assigned them to others, who carefully looked after them. In short, the donators and their assignees were, generally speaking, the most severe persons in the country, and squeezed poor persons and families most unaccountably.

Thus I have given as distinct an account as my materials allow me, of the consequents of this rising at Bothwell. Sorer troubles are yet before us. But I come to end this chapter and year with,

SECT. V.

Of the state of presbyterians who had not been concerned in Bothwell, their third indulgence, the debates betwixt duke Hamilton and Lauderdale, and some other things this year.

HITHERTO, in giving the history of this remarkable year, I have all along kept mine eye entirely almost upon the business of Bothwell, and passed by some very considerable matters, which, had it not been to prevent the breaking of that story, should have come in above at their proper dates. These I come now to take in all together in this section. I begin with the state of presbyterian ministers and others this year, not directly concerned in the rising. Upon the first chapter we heard of their meeting with no small trouble about conventicles in the beginning of the year; and how much it was their endeavour to get the heights of some concerned in Bothwell rising moderated. When the duke of Monmouth came down, the presbyterian ministers in and about Edinburgh had notice from London, that he would not refuse an application from them. This I gather from a letter just now before me, from a person of quality at London, to a minister at Edinburgh, which I here insert.

London, June 18th, 1679.

"SIR,

"I have given W. a short hint of my expectations here. I told the duke of Monmouth I would write to you, that some of your persuasion should come and wait upon him, and give him an account of your peaceable inclinations. I have encouragement from him to invite you and some of your number from all places to address yourselves to him, he will take it kindly; and by it I am confident you will much engage him to be your friend: wherefore, let me intreat you, and all your brethren, not to omit so great an occasion of advantage to your affairs. My brother will be with him, and he will introduce you to him: or, if you miss my brother, the lord Melvil will be always with him, who is very friendly to your interest. There shall be nothing left undone here that may advance the interest of all honest peaceable men." Farewell. 1679.

When the duke returned from the west country to Edinburgh, he staid but a few days: and I can give no particular account of the application made to him by presbyterians. Only in the general, I know he was once and again waited upon by some presbyterian gentlemen and ministers, and earnestly dealt with to use his interest with his majesty, that a full and unclogged liberty might be granted to presbyterians. A copy of a petition to him I have before me, which, for any thing I know, is a draught of that which was delivered to him at Edinburgh, by several ministers and others there; and I insert it below.* It

* *Supplication of the presbyterians to the duke of Monmouth*, 1679.

As we cannot but, in all humble and grateful sense of his majesty's grace and clemency, acknowledge God's goodness to the poor distressed people of this kingdom and church, that he has put in his majesty's royal heart to invest and authorize a prince of your grace's excellent wisdom, heroic valour, gracious moderation, and sincere affection to the true protestant religion, with power to express and exercise his gracious royal condescensions of favour to his suffering and much afflicted subjects here: so next to his gracious majesty, whose goodness and clemency we most thankfully acknowledge in all the favours conferred by your grace, we judge ourselves much obliged, with all dutiful thankfulness, to testify our great and deep sense of the gracious favours your grace has already manifested in your excellent moderation, by the tender of his majesty's gracious concessions for peace, as also your tender compassion to that pitiful broken company, in hindering the effusion of much Christian blood, which some others were much thirsting after, which shows much goodness joined with your greatness, a conjunction of excellencies which is very rare in persons of power, and yet where it is, makes them most like to God, who, when he hath power to destroy, yet is merciful and ready to pity and forgive; and does truly entitle your grace to that noble and heroic eulogy, which Darius when conquered gave to Alexander, that he was most valiant in the fight, and moderate and merciful in the victory: whereas it is contrary with men of baser spirits. These signal evidences of your grace's moderation and clemency,

1679. appears to me to be a rude and unfinished draught, and I do not question but some expressions in it, which seem to bear hard upon the rising at Bothwell, would be reformed before it was gone into by the bulk of presbyterians in and about Edinburgh, who reckoned, according to their Bible and principles, bating the heats and heights run into, they could justify that appearance. But having seen no other draught, I have set this down as containing probably the materials gone into. I find the duke received those who waited upon him very graciously, and was most civil and discreet in his answer, signifying nothing should be wanting which was proper on his part. And when he went to court, he carried a petition with him to the king. All I know about it is from some passages in an original letter before me, writ by a good hand, to Mr John Fife, preacher of the gospel, now prisoner in the toolboth of Edinburgh, dated July 9th, 1679. "This day my lord duke went away. I saw a petition he had got, and was to carry to London with him: he was pleased to express himself thus a little before his departure. I think, if any place get favour, it should be Scotland; for a gallanter gentry and more loving people I never saw. I am hopeful, if you manage well what you have, it will be made larger. I can assure you, continues the writer, he

do encourage us to lay down some touches of our great grievances and pressures at your grace's and excellency's feet, that, through God's good hand, you may mediate with his majesty for some ease and redress of them, most of the saddest and heaviest of which are wholly unknown to his majesty. All nonconformist ministers, a very few excepted, were turned out from their charges, dwellings, and livelihoods, for no other cause than that they could not comply with prelacy, against which they were engaged under so many strong and high bonds, they found themselves under a constraint of preaching the gospel through an obligation from their office, without the least disrepect to his majesty's authority or laws; for the which exercise of their ministry, some were taken and kept long in hard and expensive prisons; people for hearing them, besides imprisonment, pressed with great and exorbitant fines; other preachers, without any citation known to them, were denounced, intercommuned, fined, confined, and banished; many, after long and grievous imprisonments, sent away as slaves to foreign parts, and to serve in the wars under the French king. And when all these sore pressures were laid upon Protestants for hearing and preaching of the gospel, without any disturbance of the peace, there was a general connivance at Popish meetings very open and avowed, without the least check and control. There being several times some killed, only for hearing sermon, when they had no arms for their own defence, and many taken; by the long continuance of these oppressions, which make wise men mad, some were provoked to take arms to the fields, only for their defence when they went to hear; but as we did not expect there should have been such a rising in arms, so we never counted ourselves bound to approve the same as to any extremities run to by some heady and turbulent men, though many simple well-meaning people, under great oppression, were drawn in to join with them; for we are far from Jesuitic principles, or German, Anabaptistic, fanatic fury, and abhor all assassinations and murders made by private persons, acted with such principles of heady violence. Such disorderly practices are not to be imputed to presbyterians or their principles, all which are not only consistent with all due subjection and respect to authority and peace, but also do religiously tie and oblige thereto, according as it is held forth in the scriptures of truth, our Confession of Faith, and catechisms, unto which we constantly adhere. And it may be upon good grounds averred, that neither the persons running to any of these extremities, nor the people who joined with them, would ever have been so disorderly, if there had been any allowance of liberty for preaching and exercising of discipline over these who were of the presbyterian way, as is allowed in some other of his majesty's kingdoms: which as it can be no more inconsistent with prelacy in Scotland than where it is granted; so there is far stronger reasons for it from his majesty's interest here, and the condition of his subjects, who have had it confirmed by lawful authority, have been under so many and strong engagements to adhere thereunto, and have had so much experience of the good thereof, by their long continuing and merciful enjoyment of it. May it therefore please your grace, out of the bowels of pity and goodness, to commiserate our deeply distressed condition, and improve the favour you have with his majesty, that we may yet breathe under the shadow of his gracious condescendence, in allowing exemption from the grievous pressures we are under, of oppressive sentences, imprisonments, and other grieving executions of the law; and that his majesty may grant liberty of preaching the gospel, and exercise of church order and discipline, towards and over these of our own persuasion, which will not in the least be prejudicial to civil peace, or his majesty's settled and quiet government, but will be a mean of preventing church disturbance, and confusions which tend to the breaking of the civil peace. Which if the Lord shall incline his majesty to grant, through your grace's interposing, will bring the blessings of many who are ready to perish, upon his majesty and your grace; and you shall be called the repairers of the breaches, and the hearts of the good people of the land will be so much the more knit and engaged to his majesty's person and government, and to your grace, as the instrument whom God hath stirred up to effectuate it, and render his majesty glorious, and your grace renowned to all generations.

is a great favourer and lover of Scotland, and there is no question but he will employ his power for it: and if Lauderdale be discourted, to whom the duke is no friend, this will come the sooner." Upon all these accounts the writer of the letter presseth the prisoners, "to carry very soberly, and wishes the persecuted party would leave field conventicles, at least for a little, till the duke came down again; and adds, he, God willing, would not stay long. And assures them, some in the council are gaping for field conventicles, in order to get things marred."

The effects of the duke's going up, seem to be the short-lived third indulgence, which had the proclamation published June 29th when the duke was here, for a kind of preface to it, the consideration of which I of design left to this place. This proclamation, dated at Whitehall, June 29th, I have insert below.* It was probably procured by the duke's letters, wherein he would readily give his thoughts upon the proposals made to him, and the expedients which offered to him for the 1679.

* *A proclamation suspending laws against conventicles, June 29th*, 1679.

Charles II. by the grace of God, king of Scotland, England, France and Ireland, defender of the faith &c. To all and sundry our good subjects, whom these presents do or may concern, greeting: we having, with the advice, and consent of our parliaments, passed so many acts in favours of the protestant religion, against field conventicles, whereby our subjects were withdrawn from public ordinances, in such ways as exposed them to hear jesuits, or any other irregular preachers, and were at last debauched to meet with arms in formed rebellions, we might have expected a most hearty concurrence from all such as resolved to live religiously and peaceably in suppressing those disorders: in place whereof, magistrates having by their negligence, and masters by their connivance, heightened those distempers into a formed rebellion, founded upon extravagancies, inconsistent with the protestant religion and our monarchy; which we having by the mercy of God, and the affection of our subjects, overcome so totally, that our clemency cannot be liable to any misconstruction: we have therefore thought fit, with the advice of our privy council, to recommend the vigorous execution of all our former laws and proclamations against such rendezvouses of rebellion; commanding hereby our judges, magistrates, and officers of all ranks and degrees, to apprehend, condemn, and punish all such as frequent any field conventicles, the ministers by death, and the hearers by fining and otherwise, according to the prescript of our laws; such as bear arms there being to be demeaned as traitors, conform to our former proclamation, dated the 13th day of May last, and ordaining that all masters shall be liable for presenting such of their tenants, and such as live upon their ground, to underly the law in our justice-airs, conform to the 6th act, parl. 3. James V. As also we most peremptorily command all in office under us, to prosecute with all legal rigour, those inhumane and execrable murderers of the late archbishop of St Andrews, and all such as have had accession thereto, by concealing or resetting the assassinates. But we, being desirous to reclaim all such in that our ancient kingdom, as have been misled by ignorance, or blind zeal (the pretexts of disorders) and to convince all indifferent persons, that too great severity is as far from our design, as our inclinations, have, according to the power reserved to us by the fifth act, and second session of our second parliament, suspended the execution of all laws and acts, against such as frequent house conventicles in the low countries, on the south side of the river of Tay only, excepting always the town of Edinburgh, and two miles round about the same, with the lordships of Musselburgh, and Dalkeith, the cities of St Andrews, and Glasgow, and Stirling, and a mile about each of them; being fully resolved, not to suffer the seat of our government, nor our universities to be pestered with any irregularities whatsoever. And for a further evidence of our protection to all who resolve to live peaceably, we hereby suspend all diligences for fines upon the account of conventicles, except such fines as are imposed by our privy council, and such fines of inferior judicatures, as were uplifted or transacted for, prior to the twenty-ninth of May last, and all letters of intercommuning, and other executions, except in so far as concerns those who were our actual servants, or in public trust. But to the end, that none whom we may justly suspect, shall, under the colour of this favour, continue to preach rebellion, schism and heresy, we hereby ordain all such as shall be suffered to preach, to have their names given in, and surety found to our privy council for their peaceable behaviour, only one preacher being allowed to a paroch; and none to be allowed who have appeared against us in this late rebellion, nor none who shall be admitted by the unconform ministers in any time hereafter: assuring all those to whom we have extended this favour, that if they, or any of them, shall for the future frequent any field conventicles, or disturb the peace of these our kingdoms, we will secure our people, and maintain our authority and laws by such effectual courses as, in ruining the authors, cannot be thought rigid, after so insufferable and unnecessary provocations. This our forbearance being to continue in force only during our royal pleasure, as we shall see those dissenters deserve our favour. And to the end all our good subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms and his brethren, heralds, macers, pursuivants, messengers at arms, to make proclamation hereof, at the market cross of Edinburgh. Given at our court at Whitehall, the twenty-ninth day of June, 1679, and of our reign the thirty-first year.

By his majesty's command,
LAUDERDALE.

GOD SAVE THE KING.

1679. settling of the country; the result of which seems to be this proclamation, which, with the letter we shall just now hear of, was the foundation of what was called the third indulgence. Reflections upon this proclamation are needless after what hath been given upon former public papers. The narrative alleges, that field conventicles have exposed people to jesuits. Doubtless the papists took hold of all occasions to make proselytes, and debauch people's consciences; and failed not closely to improve the steps at present taken in Scotland and England for weakening the protestant interest. The only ground I can find for the cry of jesuits mixing in with field conventicles in Scotland, is some passages in doctor Oats's Narrative, printed by authority at London this year. Article 1. It is narrated, "that Wright, Morgan, and Freeland were sent over to Scotland, to preach under the notion of Scots presbyterians." Whether this be true or not, depends upon the faith of jesuits, who write this news to Madrid. Article 43 goes further, and says, "the deponents saw fathers Moor and Sanders, alias Brown, despatched to preach among Scots presbyterians." Article 73 says, "that letters from the fathers met at Edinburgh, dated August 10th, 1678, bear, that they had eight thousand catholics ready to rise when the business grew hot, and to join the disaffected Scots under the direction of the Scots jesuits." And, article 74 bears, "that twelve Scots jesuits were sent with instructions to keep up the commotions in Scotland, and to carry themselves like nonconformist ministers among the presbyterian Scots." This is all I see relative to this charge in Oats's Narrative, and what does it amount to? but that the jesuits had this in their view, or pretended to have it: and I shall not doubt but they did all in their power to provoke honest people to extremities, to serve the duke of York's interest, to keep the Highlands under their power, and ready to appear against the bill of exclusion in case of need, and to sow the tares of antimagistratical principles. But what is all this to presbyterians? Are not jesuits' designs as open and plain in the church of England by the very same narrative, and their success evident? and yet that church is not charged upon this score. Can one instance be given of a jesuit hitherto preaching at field conventicles, and getting presbyterians to hear him? The greatest enemies of field meetings have never been able to produce one instance, or to give the least documents of any correspondence betwixt the one and the other. Indeed it hath once and again been made evident, that the jesuit Coutzen's instructions for ruining protestants were fallen in with exactly by our Scots managers of the duke of York's faction, and some of our prelates: but I am bold to say, not one party of men in Scotland were more free from the influence of jesuits than Scots presbyterians at this juncture; and whatever efforts these jesuits made, they had no success. What hand they might have after this, by their secret influence, to run some to heights, I cannot say; but, after my utmost search, I cannot find the least footsteps of a correspondence betwixt such as even cast off the authority of the king, and came to heights wherein other presbyterians would not vindicate them and the jesuits. This much I thought proper to say here, once for all, upon this head.

It is added in the proclamation, that Bothwell rising was founded upon extravagancies inconsistent with the protestant religion and monarchy. Had they been condescended upon, I should have considered them: but this general calumny is more than taken off by the former accounts of their declarations and requisitions when in arms. Next, the proclamation comes to statute death upon all ministers who preach at field conventicles, and such as are in arms are adjudged to be traitors. Masters, by an old antiquated law, are made liable for all that live on their lands, and the utmost prosecution of these accessory to the primate's death, is appointed. Then the king, by the power placed in him by act 5th, session 2d, parliament 2d, suspends the execution of the laws against house conventicles on the south side of Tay. The parliament does fully empower the king thus to do; and from this it is evident this indulgence was no exercise of a dispensing power, but agreeable to the laws then in being. How far this act of parliament is

applicable to the indulgence granted to presbyterians in the year 1687, shall be considered. It is most plain in this case. Exceptions are made of Edinburgh, Glasgow, Stirling, and some other places; and diligences upon finings, intercommuning, and such other sentences, are stopped. Only one preacher is allowed to one parish; their names are to be given to the privy council, with surety for their peaceable behaviour. This was a handle to the council in a few weeks to render this liberty precarious. This indulgence is only during pleasure; and all ministers who were at Bothwell, and after this shall be admitted, are excluded from any benefit by it. It is plain, this was one of the least clogged favours which had been granted to presbyterians since the restoration: it was much owing to the present struggle for liberty in England, and the just information the duke of Monmouth gave the king of the good inclinations and intentions of the body of presbyterians in Scotland to his person and government. It was a short breathing time to presbyterian ministers and others, and relieved multitudes who were fugitive and intercommuned, and upon their hiding for many years.

This proclamation came to Edinburgh, July 4th, and that day, in prosecution of it, "The council grant order to the magistrates of Edinburgh to set at liberty the ministers underwritten, prisoners for conventicles, Messrs John Mosman, Archibald Maclean, James Forthie, William Kyle, Robert Fleming, Francis Irvine, and Thomas Wilkie, they enacting themselves in the books of privy council, for their peaceable behaviour, and that they shall not preach at field conventicles under the pains contained in his majesty's proclamation; and ordain such ministers as are in the Bass to be sent for, that they may be set at liberty upon their enacting themselves as aforesaid."

A letter is before me, writ by a good hand upon this proclamation, too long to be insert: I shall only set down a few passages from it, which may give some light to the circumstances of presbyterians at this time. The writer observes, 'That this proclamation is so favourable, as ought to oblige all the well affected to accept of it with all thankfulness, and use it with temperance and prudence; and what may be a foundation for more, if skilfully used.' Whereupon the writer takes occasion to give his opinion, to be communicated to some gentlemen and ministers in the west. He thinks, 'that by the return of the outed ministers, every one to their own parishes, the benefit of this indulgence will be much lost, and one part of the country, and that which needs least, will be supplied, and the far greater part left destitute. He reckons the church's present case to be but a building, and therefore the ministers are to prefer the general interest of the church to the ties to particular places: and that consideration should be had of the bounds and shires enjoying favour, and these ought to be compared with the presbyterian ministers yet remaining, and the ministers so scattered up and down, as all may be watered as much as may be; that thus some that halt betwixt two opinions may be fixed, and those who are in hazard of wandering, and going to extremities, may be preserved. He moves, that one minister may be fixed so as to answer most conveniently the exigencies of three or four parishes; and conceives it may be as proper to dispose of ministers by way of mission, into places where it is well known they will be welcome, as to wait for calls: he is earnest to have ministers set to their work in all quarters without delay. He is against building of houses to meet in at present, but would have large barns and houses taken; and hopes the general bent of this part of the nation will soon make it appear to the government, that this liberty ought to be enlarged.' We shall quickly find there was little use for these proposals, for this liberty was soon cramped. As soon as the duke of Monmouth had regulated matters he thought most necessary here, he went for court, where he was very graciously received by his father. Upon his arrival he procured a letter from the king, yet further enlarging this favour, which July 14th, came down express from London by one of the duke's footmen. I here insert it. 1679.

CHARLES R.—"Right trusty, &c. We

1679. greet you well. Having resolved to make the favours designed by our late proclamation effectual, we hereby declare, that we designed therein, that such as are allowed to preach thereby, are also allowed by the same proclamation to administrate the sacraments, the one including the other. As also, that no fine imposed for any schismatical disorders, (except treason) before inferior judicatories, and not yet transacted or compounded for, shall be uplifted, unless the parties so fined shall fall back into their old transgressions, by rebellion or field conventicles; the suspension mentioned in our proclamation being a sufficient discharge only in those cases. Ministers also now imprisoned, who were not in this rebellion, are to be set at liberty, without any other engagement, but that they shall live peaceably, and not take up arms against us or our authority, or find caution to answer when called by us or you: and so we bid you heartily farewell. Given at our court at Windsor Castle, the 11th of July, 1679, and of our reign the 31st year.

"By his majesty's command,

"LAUDERDALE."

This letter, when it came down, was very unsatisfying to our managers, and, I am told, it was some time before they would enter upon the consideration of it; and they then essayed so to lay measures as the ends of it might be broken. Yea, so much frighted were the prelates with the former proclamation and this letter, that the archbishop of Glasgow is despatched up to court at this time: I have no accounts of what he did; but, no doubt, he fell in heartily with the duke of York's party, and in a few weeks there was a change above, and piece by piece this favour was curtailed by the council, and, towards the end of the year, perfectly removed, as we shall hear.

Two days before this letter came to Edinburgh, the council, now when they are delivered from the duke of Monmouth, begin to propose their difficulties in relation to the proclamation June 29th. In a letter to Lauderdale, dated July 12th, they signify, 'That there being some doubt as to the sense of that clause in the proclamation June 29th, suspending all letters of intercommuning, and all other executions, if these words, all other executions, do import, that all persons, whether preachers at field-conventicles, or other persons, who being ringleaders of these rebellious rendezvouses, and have been seized according to former proclamations, promising sums of money to the apprehenders, and imprisoned, should be set at liberty, or not. And if such as have been imprisoned till they pay the fines imposed upon them by sentence of council, or other judges, shall also be enlarged and set at liberty; and if these field-preachers, and other persons qualified as aforesaid, are to be liberate, they crave his majesty may declare his pleasure upon what terms and conditions they are to be liberate.'

This was a modest way of asking a kind of repeal of the proclamation; at least, they would still be judges whom to liberate, and whom not, and have all the iniquitous sentences, formerly passed, standing in full vigour. I observe to return to this proposal in the registers. July 19th they acquaint Lauderdale, that, in obedience to his majesty's letter of the 11th they have called the preachers, prisoners in Edinburgh (as I understand it, it is preachers for field conventicles, for the other were liberate upon the 4th) and offered them a bond, which two of them subscribed, and the rest refused; and they have sent for the prisoners in the Bass, that they may offer it to them. And, August 14th, when, it seems, they despair of liberty to continue their severities upon the ministers, according to the inclination they show in their letter July 12th, they order, 'that the ministers, prisoners in the tolbooth of Edinburgh, (viz. such as refused their bond) be liberate on finding sufficient caution, under pain of ten thousand merks each, to appear before the council when called; and that the lord Collington, Abbotshall, register, or any one of them, receive caution, and liberate them.' In a little time, as we shall hear, a good many of them were called, and brought to new trouble. August 26th Mr Andrew Donaldson is liberate from the prison of Linlithgow, and Mr —— Erskine from that of Stirling, upon caution as above; it

seems they had been forgot, and John Henderson in Cleish, in prison for conventicles. According to these resolutions, the ministers who had been in the Bass, Mr Patrick Anderson, Mr James Frazer of Brae, Mr Thomas Hog, Mr John Macgilligen, Mr John Macaulay, Mr Robert Ross, Mr John Law, Mr William Bell, are brought from the Bass to Edinburgh tolbooth, where some other ministers were, particularly the Reverend Mr Robert Fleming minister at Cambuslang, and after this to the Scots congregation at Rotterdam, and several others abovenamed. That same day they appear before the council, and are required to enact themselves in the council-books to live peaceably, and not to rise in arms against the king, or any authorized by him. The ministers knowing the terms of the king's letter July 11th did oblige them only to an alternative, this, or to find caution to present themselves when called, choosed the last branch, and refused the first, and therefore were remanded to prison, directly contrary to the king's letter, except Mr William Kyle and Mr Francis Irvine, who signed the first part, and were liberate. July 22d, Robert Hamilton of Airdrie, his servant, and about fifteen more prisoners, are liberate upon the same terms; and, July 24th about twenty more prisoners for conventicles are liberate; and, July last, John Balmerino, Andrew Snodgrass in Bridgend of Glasgow, and about twenty others, were liberate, upon signing an obligation not to rise in arms. This is all I meet with as to particular persons. The case of the rest of the ministers was debated some time. The laird of Lundie, and some others of the counsellors, affirmed they ought to be liberate on bond; Sir Andrew Ramsay, and others on that side, were as peremptory for their signing the bond not to rise. In some time they were liberate, upon bond to appear when called, under penalty of five hundred pounds sterling per piece.

Let us now take a view how the presbyterian ministers improved this breathing time; it was almost over, at least measures fallen into for retrenching it, before ever some of them knew of it. Such to whom the notice first came, being willing that all, as far as might be, should take the same course, advertised as many of their brethren as they could, to come in and meet at Edinburgh. Accordingly I find, that, upon the 8th of August, there was a very large meeting, perhaps more numerous than any that hath been since their judicatories were discharged by law; and, after consultation and reasoning, they came to agree upon those following conclusions and rules. "That all ministers should, in the first place, visit their own congregations where they were formerly settled, and try what access they can have to preach the gospel unto them. That they associate themselves into meetings, as their numbers in particular bounds, and their circumstances will best allow, and take care to provide preaching to the people, in the bounds of their respective meetings, who are desirous of it. That every minister shall be a member of the meeting within whose bounds he resides. That indulged ministers, not indulged to the congregations they were in when laid aside, if their people, of whom they formerly had the charge, call them, return to them, and quit the places they are at present in. That all who are licensed to preach, be particularly taken obliged unto subjection to the meeting which licensed them, and to submit themselves to their direction." 1679.

We see how much these ministers had the principles of presbyterian government at heart, and the preservation of the church from any hazard from persons who should afterwards be licensed and ordained; and, had they not been stopped by the new turn of affairs at court, it is very probable, this indulgence would have been so managed, as to have cured our divisions, tended to a comfortable change in Scotland, and might have proved of great use, not only to the church, but even to the state. But very soon the popish party prevailed at court. Lauderdale once more seemed to prevail over his accusers, as we shall hear; and by his means, as some say, the Duke of Monmouth, however well received at first, fell under a cloud, and all the expectations of doing some more in favours of the suffering presbyterians fell to the ground. The duke of York returned from Holland, and his in-

1679. fluence with the king was presently so great, that all moderate measures were perfectly crushed; for it is almost next to impossible that a papist should not drive hard in a protestant country, and presbyterians must expect no favour when papists manage at court. In short, this calm issued in a most severe and long storm.

Thus I find in the registers, September 18th, a letter from the king to the council, acquainting them, that he had recalled his commission to the duke of Buccleugh and Monmouth to be general. This was very acceptable to a good many at Edinburgh. The account given by the English historians of this turn of affairs, is in short. When the duke of Monmouth was at his height, the king fell sick at Windsor, and had three fits of a fever and ague towards the end of August. Upon September 2d, the duke of York came to London, to the surprise of every body, and rode post to Windsor. In a few days Monmouth was disgraced, and an entire change of affairs brought about. The secret spring of this sudden arrival was this. Essex and Halifax being about the king, and taking him to be in danger, they thought themselves so to. They reckoned the duke of Monmouth, under Shaftsbury's management, who hated them, would be at the head of affairs, against the duke of York, and that Sunderland, by his relation and friendship with Shaftsbury, would be safe, but had nothing to hope for themselves; therefore, upon the king's first fit, without ever waiting for what might follow upon a second, they proposed to him the calling over his brother, which was done with all secrecy and speed. The king recovering, it was agreed upon all hands that the duke should be received with seeming surprise. When the duke returned, Shaftsbury and Monmouth were so enraged, that nothing was left for Essex and Halifax, but to join the duke wholly, and throw the other two out of the king's affairs. Accordingly Monmouth was ordered over to Holland, September 24th, and Shaftsbury turned out of council. Sir William Temple, not being entirely theirs, was left out, and resolved to lie aside from public affairs. To cover matters the duke of York went over to Flanders, soon to return again, and Essex and Halifax left their posts in discontent; and Mr Hyde, after earl of Rochester, and Mr Godolphine, afterwards earl of Godolphine, came in, joined Sunderland, and made up the junto. This vast change in England soon brought the third indulgence to presbyterians here to be cramped, and then taken away. The effects of it appeared the very next council-day, September 19th. 'A warrant is granted to general Dalziel, lieutenant-general of his majesty's forces, to give order to seize the murderers of the archbishop, (this is cast in in common form, but the great design was) to apprehend any ministers or heritors guilty of the late rebellion, or others of the rebels who had not taken the bond, or any who harboured or resetted them; and to give orders to the officers and soldiers under his command, to secure them in prison till they be brought to justice; with power also to dissipate field conventicles, and to seize the preachers and others present at them. And the council indemnify all slaughter or mutilation, in case of resistance. And, September 20th, they ordain the rents of lands, sums of money, and moveables belonging to the murderers of the archbishop, and heritors engaged in the rebellion, to be sequestrated and secured, that the same be not embezzled; and grant power to the earls of Murray and Linlithgow, treasurer-depute, justice-general, Collington, and general Dalziel, to nominate fit persons in the several shires to be sequestrators.' This was a new and very sore trouble to the country. That same day the advocate is ordered 'to raise a process against Mr George Johnston, or any other ministers who have been guilty of field conventicles since June 29th last, upon the information given in, or that shall be given, notwithstanding any allowance given, or that shall be given to them to preach. And, at the same time, full power and authority is granted to major Robert Johnston, to search for any conventicles suspect to be kept in the town of Edinburgh, or suburbs thereof, and to apprehend and imprison the ministers and most substantial hearers; to search for the murderers of the archbishop, as also any ministers or heritors in the late rebellion, or others who have

not signed the bond, and imprison them, and to report his diligence from time to time. He and his assistants are indemnified, as above, and this commission is to continue till recalled.' Thus, we see, the former methods are beginning again.

To return to the indulgence, the council, September 19th, agree upon a draught of the license given to ministers, who are allowed to preach, by his majesty's proclamation June 29th, and his letter July 11th, which I insert from the registers.

"The lords of his majesty's privy council having considered the petition of representing that they have chosen to preach, and administrate the sacraments, in the parish of conform to his majesty's proclamation, June 29th, and his letter July 11th, and therefore desiring that caution may be received for the said conform to the said proclamation: the lords grant the supplicant's desire, who have accordingly found sufficient caution, acted in the books of privy council for the said that he shall live peaceably; and in order thereto, that the said shall appear before the council, when the said cautioners shall be called to produce him, under the penalty of six thousand merks, in case of failie." At the same time they agree upon, and record the tenor of the bond to be given for them, as follows. "Be it kend to all men by these presents, me for as much as, upon a humble supplication given in to his majesty's privy council, they have ordained caution to be received for who is allowed to preach and administrate sacraments in the parish of Therefore I bind and oblige myself, my heirs and successors, that the said shall live peaceably, and in order thereunto, that I the said oblige myself and foresaids, to present him before his majesty's privy council, when I am called so to do; and in case of my failie in not presenting him, I shall be liable in the payment of the sum of six thousand merks Scots money. Consenting, &c. in common form."

This bond was reckoned to be framed with a design to discourage parishes from giving it, and to be illegal. The proclamation indeed requires surety for peaceable behaviour, but does not require an obligation to present the minister's person upon demand, under such an exorbitant sum, as many parishes, or such in them as were inclinable to give bond, were not in case to give; and care was taken to signify to persons concerned, that presbyterian ministers would find themselves obliged to do several things which might be constructed, or soon made unpeaceable behaviour; and it is plain, many would be unwilling in this case actually to present their minister to be persecuted; and though he should be presented, the fine might be exacted upon his being found unpeaceable in his behaviour, by the tenor of the bond. All this would not have discouraged multitudes of parishes in the west and south, from calling presbyterian ministers, if it had not been by this time pretty evident both to ministers and people, that now the court was changed; and it was fully resolved, carry as they would, as soon as possible to turn this indulgence to nothing, or at least so to manacle it, as it should rent presbyterians more and more; and so they had no great heart to make any great efforts this way. It was not altogether so much for the king's honour instantly to rescind this favour; but they resolved gradually to clog it, until it should be perfectly useless. Nevertheless presbyterian ministers counted it their duty to meet together and consider what was most fit to be done in this case; and so, I think, towards the end of September, a good many of them met together at Edinburgh, mostly to consider how far it was lawful and expedient for parishes to give in such bonds as the council required. Those occasional meetings, in this persecuted state of the church, did not assume any determining power. The matter was reasoned, and the most part agreed it was lawful and expedient, if matters turned not worse, to give in bonds. Some few had some difficulties about this, but did not insist upon them, since all expected this would be a short-lived favour. The sense of the meeting going abroad, several parishes came in with their petitions, and offered their bond to the council for

1679.

1679. the ministers' peaceable behaviour. Thus Mr William Row, Mr James Walkinshaw, Mr Robert Law, and some others had bonds given in for them, and preached in their respective parishes, but for a short while.

I shall give here what I meet with in the registers this year concerning the parishes which gave bonds, and had presbyterian ministers allowed them. September 19th, 'upon a petition from Sir James Dundas of Arnistoun, James Eliot of Southside, Alexander Pringle, John Watson, William Turnbull, and other heritors and feuars in Newbottle, the council allow Mr George Johnston to preach in the terms of the foresaid act, in regard he hath found sufficient caution in the books of council. September 20th, upon a petition of James Cockburn of Langton, for himself, and the remanent heritors and parishioners of the parish of Langton, Mr Luke Ogle is allowed to preach there, he having given sufficient caution, as above, and that he shall not preach or dispense sacraments save in that parish. That same day, upon the petition of Andrew Colquhoun of Carscadden, and Hugh Crawford of Globerhill, in name of the people of Easter-Kirkpatrick, Mr Robert Law is allowed to preach there, and Mr James Walkinshaw, in the parish of Badernock, and Mr William Row in the parish of Ceres. And December 18th, upon the petition of the heritors and parishioners of the underwritten parishes, the ministers named are allowed to preach in them. West-kirk in Eskdale, Mr James Pringle, Orwell, Mr Robert Gray, Logie, Mr Richard Honyson, Dalgety, Mr Andrew Donaldson, Prestonhaugh, Mr Gilbert Rule, Yarrow, Mr William Eliot, Ashkirk, Mr Robert Cuningham, Campsie, Mr John Law, Dunfermline, Mr John Wardlaw, Cardross, Mr Neil Gillies.

Upon the 13th of November, the council publish a new proclamation against conventicles, which I have annexed below.* By it all are discharged to preach, or to hear any preach in any parish who have not given

* *A proclamation against conventicles, Nov. 13th, 1679.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as we by our gracious proclamation of the twenty-ninth of June last, and a letter under our royal hand, direct to our council, relative thereto, of the eleventh of July thereafter, having signified our desire to reclaim all such as have been misled by ignorance, or blind zeal, the pretexts of disorders, and to convince all indifferent persons, that too great severity is as far from our designs as our inclinations, we did, according to the power reserved to us by the first act of the second session of our second parliament, suspend the execution of all laws against such as frequent house conventicles in the low countries on the south side of the river of Tay only, excepting always the town of Edinburgh, and two miles round about the same; with the lordships of Musselburgh and Dalkeith, and the cities of St Andrews, Glasgow, and Stirling, and a mile about each of them; and did suspend all diligence for fines upon the account of conventicles, except such as were imposed by our privy council, and such fines of inferior judicatures, as were uplifted or transacted before the twenty-ninth of May last, and all letters of intercommuning and other executions; and did ordain, that all such as should be suffered to preach, to have their names given in, and surety found to our council for their peaceable behaviour, only one preacher being allowed to a parish, and none to be allowed who appeared against us in the late rebellion, nor none shall who should be admitted by the unconform ministers in any time thereafter; which ministers so allowed to preach, are also allowed to administrate the sacraments. And whereas we are firmly resolved to have all the acts of our grace and mercy made effectual (in the most favourable sense) to all these for whom they were intended by us; and as already from time to time caution hath been received for such ministers, whose names have been given in to our council; and upon application to be made to them, caution is to be received for such of the said ministers, as are qualified conform to the terms of our proclamation, who are desired to preach and administrate the sacraments in any parish in the bounds therein expressed: so we thought fit hereby to declare, that we will not permit nor allow any to preach by virtue of the indulgence or connivance contained in that our proclamation, unless their names be given in, and caution found for them to our council, as aforesaid; but will look upon and esteem them, and such persons as resort to such irregular meetings, as persons disaffected to our authority, and contemners of our grace and clemency, and will proceed against all such with the utmost severity of law. Our will is herefore, and we charge you strictly, and command that, incontinent these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and thereat in our name and authority, by open proclamation, make publication of the premisses, that none may pretend ignorance. Ordains these presents to be printed. Given under our signet, at Edinburgh the thirteenth day of November, 1679, and of our reign the thirty-first year.

WILL. PATERSON, Cl. secr. concilii.

GOD SAVE THE KING.

bond to the council, under the pains of being repute disaffected to his majesty's authority, and contemners of his grace and clemency, and being proceeded against with the utmost severity. The same day, by another proclamation, the council fall foul upon the poor commons who had been at Bothwell, for not taking the bond, and give them until the first of January next to take it, providing they come in and satisfy the lords of justiciary between and then, of the reasonableness of their excuse for delaying to take it hitherto, and after that shut all doors of mercy against refusers. I have annexed it below.* It is a very ill-natured and fiery paper, unworthy of the gravity of the king, in whose name it runs, and makes him scold and speak against those poor people, in the style of Fishmarket and Billingsgate. They are termed an insolent and vitious crew, their preachers are made vain and giddy, and disowned by all the rest of the protestant churches; and such as continue to refuse after the day, are declared enemies to human society; and all who harbour and reset them, are to be proceeded against as enemies to king and country. Some observe, that the advocate was now come down, and his tartness runs through this paper. This is what offers to me as to the state of presbyterians, and this third and short indulgence. Some hints as to favours done to some particular presbyterian gentlemen, and about the prisoners, will come in ere I end this section. 1679.

* *Proclamation anent the rebels who have not yet taken the bond, November 13th, 1679.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: the rebellious and insolent rising at Bothwellbridge, was so far from hindering us from continuing our clemency and indulgence, to such as had so ill deserved of us formerly, then when it was in our power to have extirpated that insolent and vitious crew; yet to convince the world and them, that our former favours had not proceeded from force, but from clemency, and being desirous that this our clemency should have at last convinced them, whom we were unwilling to destroy, because they were our ancient and native subjects, who if they were not strangely misled, should rather venture their lives and fortunes for us, than for these vain and giddy preachers, whom all the rest of the protestant churches disown, and whose only quarrel is, that we will not allow them to be themselves chief rulers: we did by a most remarkable and *unexpected* proclamation, not only enlarge our indulgences to those who had not been engaged in that execrable rebellion, but even to those engaged therein; requiring only of such as were not heritors, or ministers, that they should oblige themselves not to rise in arms against us or our authority. Notwithstanding whereof, a great part of the said rebels have not as yet taken the said bond, though conceived in so gentle and easy terms, and in which we designed as much the security of their native country as of our own authority. But because many of these who have not taken the bond, do profess that their not taking of it was occasioned by want of lawful intimation, or by their sickness, and that they have other legal defences or reasonable excuses; and we being equally unwilling to preclude our people from any legal defence, and from offering their reasonable excuses and verifications thereof, or, on the other part, to have our authority baffled by such as have even contemned our clemency: therefore to prevent both these, we hereby command all our officers, both in burgh and land, and the officers of our militia, and standing forces, to seize and apprehend, and our respective judges competent to proceed according to law, against such as were in the rebellion, and who have not yet given in the said bond before the diets mentioned in our last proclamation, dated the twenty-seventh day of July last; or who shall not give in to our justices, betwixt and the first day of January next, in the year 1680, the said bond with the verifications of their reasonable excuses, and thereby satisfy the lords of justiciary, that their not taking of it at the former diet proceeded not from their contempt; indemnifying hereby fully such as not being ministers or heritors, and others not excepted in our former proclamations, as shall satisfy the commissioners of our justiciary, and shall be allowed by them to take the said bond in manner foresaid, and for ever excluding all such from our mercy and favour, as have been in the said rebellion, and have not either taken the said bond before the diets contained in our last proclamation, or shall not take the same betwixt and the time as aforesaid: and we are confident all honest men *and good* Christians will *concur* against those obstinate rebels, as enemies not only to us, but to all human society, and who now want the least shadow of pretext for disobedience, or irregularity. Certifying likewise hereby all heritors who shall keep any of the said rebels upon their ground, or all others who shall harbour or reset them, that they shall be proceeded against with all the severity that law can allow, as enemies to us and their native country. Our will is herefore, and we charge you strictly, and command, that incontinent these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and there in our name and authority, by open proclamation, make publication of the premises, that none pretend ignorance; and ordain these presents to be printed. Given under our signet, at Edinburgh, the thirteenth day of November, 1679, and of our reign the thirty-first year.

AL. GIBSON, CL. secr. concilii.

GOD SAVE THE KING.

1679. Another matter of importance this year which I have left to this section, is the debates betwixt some of our noblemen at London, and the attacks made upon the administration of the duke of Lauderdale, with some consequences of those. I have once and again touched at those, and would incline to have left this entirely to our civil historians, were there not some things in the opening of that debate, which confirm the preceding part of this history, and give light to the state of presbyterians. We have already heard somewhat of the struggle in the parliament of England for liberty, and the protestant religion, which they took to be in hazard; and of the strong current there against the dukes of York and Lauderdale. The first, by his pretences to the succession, brought all valuable to men and Christians in England, to the utmost hazard; and the other is not a little subservient to the same design, by his arbitrary and oppressive methods in the Scots administration. Things ripened against Lauderdale gradually, until the house of commons upon the 29th of May, presented the following address to the king.

"We your majesty's most loyal and dutiful subjects, the commons in this present parliament assembled, finding your majesty's kingdoms involved in imminent dangers and great difficulties, by the evil designs and pernicious counsels of some who have been, and still are in high places of trust and authority about your royal person, who, contrary to the duty of their places, by their arbitrary and destructive counsels, tending to the subversion of the rights, liberties, and properties of your subjects, and the alteration of the protestant religion established, have endeavoured to alienate the hearts of your good subjects from your majesty, and your government, which we by our duty are bound to preserve. We have just reason to accuse John duke of Lauderdale for a chief promoter of such counsels, and more particularly for contriving and endeavouring to raise jealousies and misunderstandings between this your majesty's kingdom and Scotland, whereby hostilities might have ensued and arisen between both nations, if not prevented: wherefore, we your majesty's most loyal subjects, cannot but be sensibly troubled and affected, to see such a person, notwithstanding of the repeated addresses of your late parliament, continued in your council at this time, when the affairs of your kingdom require none to be set in such employments, but such as are of known abilities, interest, and esteem in the nation, without all suspicion of either mistaking or betraying the true interest of the kingdoms, and consequently of advising your majesty ill. We do therefore beseech your majesty, for the taking away of the great jealousies and dissatisfactions amongst your good subjects, who are oppressed with great grief and sorrow, that your majesty will be graciously pleased to remove the duke of Lauderdale from your majesty's councils in your majesty's kingdoms of England and Scotland, and from all offices, employments, and places of trust, and from your majesty's presence for ever."

The king would not be shaken from his brother's succession, and kept Lauderdale still about him, and, rather than part with so good friends, he dismissed his parliament, and so ended the designed exclusion and prosecution of Lauderdale this session.

Our nobility in Scotland who were more nearly concerned in the oppressions of the duke of Lauderdale and his party, were waiting a favourable opportunity to table their grievances before the king, though in their former attempt they had not succeeded. Accordingly, this spring, duke Hamilton went up again to court. The marquis of Athole, and Sir John Cochran, and some others I find there in June, and Sir George Lockhart, and Sir John Cunningham, two of our most noted lawyers, came up; and the king's advocate upon the other side. When duke Hamilton and the rest got access to the king, they laid before him their complaints and grievances. They were printed at this time under the title of "Matters of Fact," &c. The printed copy is a little incorrect; and I have set it right by two or three copies I have of it in manuscript. This is a paper of such importance as deserves a room in the body of this history, though pretty long: and I insert it here.

"*Some particular matters of fact relating to the administration of affairs in Scotland, under the duke of Lauderdale, humbly offered to your majesty's consideration, in obedience to your royal command.*

"The duke of Lauderdale did grossly misrepresent to your majesty the condition of the western counties, as if they had been in a state of rebellion, though there had been never any opposition made to your majesty's authority, nor any resistance offered to your forces, nor to the execution of the law. But he purposing to abuse your majesty, that so he might carry on his sinistrous designs by your authority, advised your majesty to raise an army against your peaceable subjects; at least did frame a letter, which was sent to your majesty, to be signed by your royal hand, to that effect; which being sent down to the council, orders were thereupon given out for raising an army of eight or nine thousand men; the greatest part whereof were Highlanders. And notwithstanding, to avert this threatening, the nobility and gentry of that country did send to Edinburgh, and for the security of the peace, did offer to engage, that whosoever should be sent to put the laws in execution, should meet with no affront; and that they would become hostages for their safety. Yet this army was marched and led into a peaceable country, and did take free quarters, according to their commissions; and in most places levied great sums of money under the notion of dry quarters; and did plunder and rob your subjects, of which no redress could be obtained, though complaints were frequently made. All which was expressly contrary to the laws of the kingdom. In these quarterings, it was apparent, that regard was only had to that duke's private animosities; for the greatest part of those places that were most quartered in, and destroyed, had been guilty of none of the field conventicles complained of; and many of the places that were most guilty, were spared upon private considerations. The subjects were at that time required to subscribe an exorbitant and illegal bond, which was impossible to be performed by them, 'that their wives, children, and servants, their tenants and their wives, children, and servants, should live orderly, according to law, not go to conventicles, nor entertain vagrant preachers,' with several other particulars; by which bond those who signed it, were made liable for every man's fault that lived upon their ground. Your majesty's subjects were charged with lawborrows, denounced rebels; and captions were issued out for seizing their persons, upon their refusing to sign the foresaid bond; and the nobility and gentry there who had ever been faithful to your majesty, and had appeared in arms for suppressing the last rebellion, were disarmed upon oath; a proclamation was also issued forth, forbidding them, under great penalties, to keep any horse above four pounds ten groats price. The nobility and gentry in the shire of Ayr were also indicted at the instance of your majesty's advocate, of very high crimes and misdemeanors, whereof some did import treason. Their indictments were delivered them in the evening, to be answered by them next morning upon oath. And when they did demand two or three days' time to consider their indictments, and craved the benefit of lawyers to advise with in matters of so high concernment, and also excepted against their being put to swear against themselves in matters that were capital, which was contrary to law and justice; all those their desires were rejected, though the like had never been done to the greatest malefactors in the kingdom. And it was told them, they must either swear instantly, or they would repute them guilty, and proceed accordingly. The noblemen and gentlemen knowing themselves innocent of all that had been surmised against them, did purge themselves by oath of all the particulars that were objected to them, and were thereupon acquitted. And though the committee of council used the severest way of inquiry to discover any sedition or treasonable designs which were pretended as the grounds of leading in that army to those countries, yet nothing could ever be proved. So false was that suggestion, concerning the rebellion then designed, that was offered to your majesty, and prevailed with you for sending the forementioned 1679.

1679. letter. The oppression and quartering still continuing, the noblemen and gentlemen of those countries went to Edinburgh, to represent to your council the heavy pressures that they and their people lay under; and were ready to offer to them all that law and reason could require of them for securing the peace. The council did immediately, upon their appearance there, set forth a proclamation, requiring them to depart the town in three days, upon the highest pains. And when the duke of Hamilton did petition to stay two or three days longer upon urgent affairs, it was refused. When some persons of quality had declared to the duke of Lauderdale, that they would go and represent their condition to your majesty, if they could not have justice from your ministers; for preventing that, a proclamation was set out, forbidding all the subjects to depart the kingdom without license, that so your majesty might not be acquainted with the sad condition of your subjects: a thing without all precedent and law, to cut off your subjects from making application to your majesty; nor less contrary to your majesty's true interest (who must be always the refuge of your people) than to the natural right of the subject.

"The former particulars relate to the invasion of the rights of great numbers of your subjects all at once; what follow, have immediately fallen upon some single persons, yet are such as your whole people apprehend they may all be upon the slightest occasions, brought under the like mischiefs.

"The council hath, upon many occasions, proceeded to a new kind of punishment, of declaring men incapable of all public trust; concerning which, your majesty may remember what complaints the duke of Lauderdale made, when during the earl of Middleton's administration, he himself was put under an incapacity by an act of parliament. The words of his paper against the earl of Middleton are, Incapacitating was to whip with scorpions, a punishment intended to rob men of their honour, and to lay a lasting stain upon them and their posterity,' &c. And if this was so complained of, when done by the high court of parliament, your majesty may easily conclude it cannot be done in any lower court: but notwithstanding it is become of late years an ordinary sentence of council, when the least complaints are brought in against any with whom the duke of Lauderdale or his brother are offended.

Instances of this are,

"The declaring of twelve honest and worthy citizens of Edinburgh incapable of public trust, against whom no complaint was ever made to this day, as your majesty will perceive by another paper to be offered to you concerning that affair: the true cause of it was, that these men being in the magistracy, the duke of Lauderdale and his brother could not get a vast bribe from them out of the town's money, which was afterward obtained when they were removed.

"The provosts of Glasgow, Aberdeen, and Jedburgh were put under the same sentence for signing a letter to your majesty, in the convention of burrows, with the rest of that body: which letter was advised by him who is now your majesty's advocate, as that which had nothing in it which could bring them under any guilt; and yet these three were singled out of the whole number, and incapacitated, besides a high fine and a long imprisonment; as your majesty will more fully perceive by another paper to be offered to you.

"Sir Patrick Hume of Polworth, being sent by the shire of Berwick, to complain of some illegal proceedings and to obtain a legal remedy to them, which he did only in the common form of law, was also declared incapable of public trust, besides many months' imprisonment.

"The provost of Linlithgow, being complained of, for not furnishing some of your forces with baggage-horses, was called before the council; and, because he said, they were not bound by law to furnish horses in such manner, he was immediately declared incapable of public trust, and was both fined and imprisoned.

"There are also about fifty in the town of St Johnston incapacitate, upon a very illegal pretence; so that it is almost impos-

sible for them to find a sufficient number of citizens for the public magistracy of that town.

"Your subjects are, sometimes upon slight, and sometimes upon no ground, imprisoned, and are often kept prisoners many months and years, nothing being objected to them, and are required to enter themselves prisoners, which is contrary to law. It was in the former article expressed, that many of the persons declared incapable of public trust, did also suffer imprisonment.

And, besides these instances,

"Lieutenant general Drummond, whose eminent loyalty and great services are well known to your majesty, was required to enter himself prisoner in the castle of Dumbarton, where he was kept a year and a half, and was made close prisoner for three months of that time, and yet nothing was ever objected against him to this day, to justify that usage. My lord Cardross was, upon his lady's keeping two conventicles in her own house, at which he was not present, fined in 1,111 pounds sterling (the print copy bears 11,000 pounds) and hath been kept now four years prisoner in the castle of Edinburgh, where he still remains, though he has often petitioned. And Sir Patrick Hume hath been now almost a year imprisoned a second time, and nothing is yet laid to his charge.

"Besides these illegal imprisonments, the officers of your majesty's forces carry frequently warrants with them, for apprehending of persons that are under no legal censure, nor have been so much as cited to appear; which puts many of your subjects under great fears, especially upon what was done in council about three years ago.

"Captain Carstairs, a person now well enough known to your majesty, did entrap one Mr Kirkton, an outed minister, into a chamber of Edinburgh, and did violently abuse him, upon design to have extorted some money from him: the noise of this coming to Mr Bailie of Jerviswood, brother-in-law to the said Mr Kirkton, he came to the house, and hearing him cry murder, murder, forced open the chamber door, where he found the captain and his brother-in-law grappling. The captain pretended he had a warrant against Mr Kirkton, and Mr Bailie desired him to show it, and promised all obedience should be given it, and that he himself would assist him in executing of it. But the captain refusing to do it, Mr Kirkton was rescued; which was only the delivering a man out of the hands of a robber, which nature obliges all men to do, especially being joined with so near a relation. The captain complained of that to the council, and my lord Halton with others were appointed to examine witnesses. When it was brought before the council, the duke of Hamilton, the earls of Morton, Dumfries and Kincardine, my lord Cochran and Sir Archibald Primrose register, desired that the report of the examination might be read; but that, not serving their ends, was denied; and these lords delivered their opinion, that since Carstairs did not show any warrant, nor was clothed with any public character, it was no opposing of public authority in Mr Bailie to rescue his brother-in-law. Yet Mr Bailie was for this fined in six thousand merks, or three hundred and eighteen pounds sterling, and kept long prisoner; and these lords were upon that so represented to your majesty, that, by the duke of Lauderdale's procurement, they were turned out of the council, and out of all command in the militia. And it can be made appear, that the captain at that time had no warrant against Mr Kirkton, but procured it after the violence was committed, and it was antedated to serve the turn at that time. This manner of proceeding hath ever since put your subjects under sad apprehensions. 1679.

"There is one other particular offered to your majesty's consideration, concerning the way of using prisoners. There were fourteen men taken at a field conventicle, who without being legally convicted of that or any other crime, were secretly, and in the night taken out of prison, by a warrant signed by the earl of Linlithgow, lords Halton and Collington, and were delivered to captain Maitland, who had been page to the duke of Lauderdale, but was then a French officer, and was making his levies in Scotland, and were carried over to the

1679. service of the French king, in the year 1676.*

"The council hath, upon many occasions, proceeded to most unreasonable and arbitrary fines, either for slight offences, or for offences, where the fine is regulated by law, which they have never considered when the persons were not acceptable to them. So the lord Cardross was fined in twenty thousand merks, that is, 1111 pounds sterling, for his lady's keeping two conventicles in her house, and christening his child by an outed minister, without his knowledge. The provost formerly mentioned, Bailie of Jerviswood, with many more, were also fined without any regard of law.

"The council has at several times proceeded to the taking of gentlemen's dwelling-houses from them, and putting garrisons in them, in time of peace, contrary to law. In the year 1675, it was designed against twelve of your majesty's subjects, and was put in execution in the house of the earl of Calendar, lord Cardross and lady Lumsden, and was again attempted in the year 1678. And houses belonging to the lairds of Cesnock, Balquhan, and Rowallan, were possessed by soldiers, and declared to be garrisons: nor did it rest there, but orders were sent from the council-board, requiring the counties about these houses to furnish them for the soldiers' use, and to supply them with many necessaries, manifestly contrary to law. It was against this that Sir Patrick Hume came to desire a remedy; and common justice being denied him, he used a legal protestation in the ordinary form of law, and was thereupon kept many months a prisoner, and declared incapable of all public trust, as was formerly mentioned.

"There is another particular, which, because it is so odious, is unwillingly touched; yet it is necessary to inform your majesty about it, for thereby it will appear, that the duke of Lauderdale and his brother have in a most solemn manner broken the public faith that was given in your majesty's name. One Mitchell being put in prison, on great suspicion of his having attempted to murder the late archbishop of St Andrews, and there being no evidence against him, warrant was given by the duke of Lauderdale, then your majesty's commissioner, and your council, to promise him his life if he would confess, whereupon he did confess: and yet, some years after, that person (who indeed did deserve many deaths, if there had been evidence against him) was upon that confession convicted of his crime; and the duke of Lauderdale and his brother being put to it by him, did swear, that they neither gave nor knew of any assurance of life given him. And when it was objected, that the promise was upon record in the council-books, the duke of Lauderdale did in open court, when he was present only as a witness, and ought to have been silent, threaten them, if they should proceed to the examination of that act of council, which, as he then said, might infer perjury in them who had sworn; and so did cut off the proof of that defence, which had been admitted by the court as good in law, and sufficient to save the prisoner if proved. This man was hanged upon the evidence of that confession only, though the promise that drew it from him appears upon record, and can be proved by many witnesses, and other clear evidences. And from this your majesty may judge what credit can be given to such men.

"We do not at present enlarge upon other particulars, though of great importance, such as monopolies, selling places and honours, turning men of known integrity out of their employments and offices, to which they had a just and good right during their lives, the profits of one of the most considerable of these being sequestrate

* *Original letter, Mr John Carstares to Mr Robert M'Ward, February 16th, 1676.*

My dearest brother, you also doubtlesse heard of the giving away 12 or 14 of the poor men that lay so longe prisoners here in the tolbooth, for being found hearing an outed minister preach the gospell, to a french captain, an unusuall barbarity, they are in effect thrust out from the inheritance of the Lord, and bidden goe serve other gods. There is some talke here, but I think without ground, as if the dutch had catched them. Largo was fined last thursday in 4000 merks, and 300 for hearing and receating Mr Welsh into his house, severall persons ar cited against to-morrow to the councell, for having been found at *conventicles long since*,—your friend was with us last Lord's day, with some few others, and some of these persons cited against to-morrow.—Jac. v. 1. 26. n. 47.—*Ed.*

for some time, and applied for the duchess of Lauderdale's use; the treating about, and receiving of great bribes by the duke and duchess of Lauderdale, and the lord Halton, and particularly from the towns of Edinburgh, Aberdeen, Linlithgow, and many others, for procuring from your majesty warrants for illegal impositions within these towns; the manifest and public perverting of justice in the session, besides the most signal abuses in the mint and copper coin, that are most grievous to all your subjects: but the number of these is so great, and they would require so many witnesses to be brought hither for proving them, that, we fear, it would too much trouble your majesty now to examine them all. But your majesty shall have a full account of them afterward.

"One thing is humbly offered to your majesty, as the root of those and many other oppressions, which is, that the method of governing the kingdom of Scotland for several years has been, that the lord Halton and his adherents frame any letter that they desire from your majesty to your council, and send it to the duke of Lauderdale, who returns it signed unto them; and this is brought unto the council; upon which, if a debate at any time arise, concerning the matter of the letter, as being against or without law; and when it is proposed that a representation of that should be made to your majesty, then the lord Halton, in his insolent way, calls to have it put to the question, as if it were a crime to have any warrant debated, or represented to your majesty, which is procured by the duke of Lauderdale or himself; and this is echoed by his party, and by this means all further debating is stopped.

"There are some other particulars relating to many of these heads, that are ready to be offered to your majesty in other papers, which are not added here, lest your majesty should now be troubled with too long a paper."

This detail of matters of fact, lays open so much of the iniquity of this period, that it deserves particularly to be noticed; it certainly contains a material vindication of the people at Bothwell, who appeared in defence of religion and liberty. The paper was formed by some of the best hands in the kingdom, and keeps close to a bare narrative without any reflection. Had the nobility and gentlemen concerned in this paper landed many things narrated at the door of the prelates, as well as Lauderdale's, I conceive the representation had been fuller, and not the less just. But Sharp, the prime actor in many of them, was now removed, and this method would not have answered their purpose, and, it may be, would in some measure have marred it. And so all is landed upon the duke. This one thing I notice, that as prelacy in Scotland was one great source and occasion of our pressures and evils, so there were in England, at this time, who had the same views of prelacy there. And with their essays to recover their civil liberty, were complaining of the evil influence prelacy had upon their civil concerns. It must indeed be owned, that the bishops of England, even at this time, and much more since the revolution, have been far better men, Christians, and countrymen, than the prelates in Scotland; yet many of them siding with the court for a popish successor, and, as some remark, casting the balance against the bill of exclusion, very much diminished their character; and it was further thought, that their office, as established, was no small hindrance to trade and civil liberty. And that the reader may have some view of the reasons advanced for this, I have insert below * a 1679.

* *Answer out of the west to a question out of the north, wherein the earth is opened, and the napkin found, in which the trading talent of the nation hath been tied up, and lain hid for some years last past; for want of which, all persons in England, from the tenant to the landlord, from the weaver to the merchant, have languished of a deep consumption.*

Above all things good policy is to be used, that the treasure and moneys in a state be not gathered into few hands, for otherwise a state may have a great stock, and yet starve; and money is like muck, not good except it be spread.—Sir F. Bacon, Ess. of Sedition and Troubles, chap. xv. p. 85.

The blessings of Judah and Issachar will never meet, that the same people or nation should be both the lion's whelp, and the ass between two burdens. Neither will it be, that a people overlaid with taxes, should ever become martial and valiant.—Idem, p. 172.

So the king was wroth, and called for his priests, and said unto them, If ye tell me not who it is that hath devoured these expenses, ye shall die. And the king said, I see the footsteps of men, women, and children: and the king was angry, and took the priests with their wives and children, who showed him the privy door where they came in, and consumed such things as

1679. paper printed and handed about in England at this time, intituled, "An Answer out of the West to a Question out of the North," which contains the largest detail of the civil grievances flowing from the hierarchy there, which I have seen; and I suppose the paper is rare. How just they are, I must

were upon the table.—Hist. of Bell and the Dragon. ver. 8, 20, 21.

SIR,

I must beg your pardon that I have so long tired your expectations, and which is worse, have altogether failed them, except the few scraps you find in this reply will stop the mouth of your first query; for as to the four last, I have neither time nor capacity to send you any thing that may claim the title of a resolve. Yet that others more able, may contribute towards an answer to your so seasonable and rational demands, and that you may not think I have forgot them, I shall here insert them in order, as you proposed.

Query 1. Whether the great cause of impoverishing the nation, ruin of trade, and general consumption of comfort, settlement and content, which hath brought the land to a mere anatomy, is not caused by the pomp, pride, luxury, exaction, and oppressions of the prelates?

Query 2. Whether, since all other reformed churches in Europe did, upon the first reformation and departure from popery, cast out all diocesan bishops, name and thing, root and branch, as an office altogether popish, together with all their hierarchical appurtenances, and do to this day esteem of them no otherwise; why did not, or doth not England also do the like?

Query 3. Whether the several reformed countries beyond the seas, did not take into the hands of their supreme governors all the lordly revenues of the prelates, and reserve them for public use, or dispose part of them to such persons as had well deserved of them in the faithful service of their country; and if so, whether it might not be of good and great concern to this kingdom, for the lordships and baronies belonging to so many useless persons, to be disposed of by public authority, for public good; and more especially for the honourable maintenance of those worthy persons, and their posterity, who have lost their blood and estates in the king's service, and at present lie under great discouragements, and bleeding wounds in their temporals, for want of a suitable recompense; whilst these, who put them all together, never did half the service, nor, if occasion should require, never can, as one of these heroic gentlemen, yet, as ecclesiastics, are rewarded with two, three, four, five, six, seven, and eight thousand pounds per annum, a man?

Query 4. Whether, in those kingdoms and states where prelacy is extirpated, and a presbytery only retained, there be not as godly, able, orthodox preachers, and as constant preaching as in this kingdom; and more especially, whether their subjects are *not* as cordially obedient, and as free from any rebellion, as in these places, where bishops are retained? and also, whether their councils are not more free from molestation, their nobility and gentry free from affronts, and the commonalty more free from oppression, where the prelates are disabled from sitting in council, from pearking above the nobles, and from imposing upon the commons?

Query 5. Whether the present state of affairs in our neighbour nations, especially of France, who have a prodigious victorious army, a fleet still lying at Rochel, a fit place from whence to invade us, and the great industry of the pope employed to divert their arms from Spain, and turning them upon some other design; whether, I say, it be not reasonable to consider of some way to engage all hearts and hands in this nation unanimously to oppose all invasions, rather than to multiply discouragements upon the body of the people by episcopal oppressions?

In answer to your first, I am by many reasons induced to conclude in the affirmative, that the cause of impoverishing the nation, ruin of trade, and general consumption of comfort, settlement and content, is caused by the pomp, pride, luxury, exaction, and oppression of the prelates. It is a true maxim of the learned Verulam, "a smaller number that spend more, and earn less, do wear out an estate sooner than a greater number that live lower, and gather more: so it is with an overgrown clergy, for they bring nothing to the stock." That the trading stock of the nation is devoured in this prelatical gulf, I shall demonstrate, by laying open to view the black back-door, and sink that hath drained the trading purse dry.

First. *The revenues, pomp, and state of the prelates.*—There are two provincial archbishops, Canterbury and York; with their princely retinue, domestic chaplains, officers for temporal tithes, their spiritual officers, vicar-general, guardian of the spiritualities, dean of the arches, with all their under-officers and attendants.

Secondly. *His courts. Court of faculties. Court of audience. Prerogative court. Delegates.*—There are four and twenty bishops diocesan, with their trains, domestic servants, chaplains, officers, and courts. To these belong 26 chancellors, and their attendants, 24 registrars with their clerks, 24 gentlemen apparitors, 120 inferior apparitors, 48 proctors. There are under these bishops, 60 arch-deacons, and these have 60 courts, to which belong commissaries, officials, surrogates, 60 registrars, 120 proctors, 200 apparitors. So that the number belonging to archbishops, bishops, archdeacons, and their trade, are judged to be no less than ten thousand persons; which will require, for their maintenance, two hundred thousand pounds per annum, reckoning them at twenty pounds a man; whereas some of them have one hundred pounds, some two hundred pounds, some four hundred pounds, squeezed out of the poor people. As for their standing rents, they are well known. Their lordly palaces, sumptuous houses, ecclesiastical dignities, baronies, &c, *viis et modis*, such is their income, that it amounts at least to four hundred and fifty thousand pounds a year.

They have many other ways to enrich themselves, and impoverish the nation; as *First*. By ordaining deacons and ministers four times a

leave to the defenders of that constitution.

This paper, "Particular Matters of Fact," &c. when printed and spread, made a great noise. And July 11th, the council receive a letter from Lauderdale about it, bearing, "that the king is informed of an infamous libel, writ and dispersed at 1679.

year for money, by which they put up yearly hundreds of pounds. *Secondly.* By instituting and inducting parsons and vicars to benefices when they fall; for every such institution and induction they have three pounds at least. And in England there are 9,285 parishes; so that at the rate of one in a parish, it amounts to twenty-seven thousand eight hundred fifty-five pounds. *Thirdly.* By making rural deans yearly, and for the oath taking, they pay eight shillings and sixpence. *Fourthly.* By granting licenses to beneficed ministers, to preach in their own cures: though they be ordained before, and strictly commanded to preach, yet they must not do it without a license, and this license costs them ten shillings, so that in 9,285 parishes, this comes to four thousand six hundred forty-two pounds ten shillings. *Fifthly.* By granting licenses to curates to preach; licenses for schoolmasters to teach school; licenses for parish clerks; licenses to physicians to practise physic; licenses to midwives to do their office; and licenses to marry, which thing of itself ariseth to a vast revenue. For absolving excommunicated persons. For putting men to clear themselves by oath, with their compurgators. For commutation of penance; for so the rich come off with a round sum of money, but the poor doing their penance in kind, must stand excommunicated until they have paid their fees. *Sixthly.* By probates of wills, and granting letters of administration, which brings in constantly great sums of money. *Seventhly.* By framing new articles, and forcing church wardens to present upon oath, whereby many innocent persons are brought into their courts, and squeezed both in conscience and purse; and so is the church warden also, if he do not take the oath prepared for him.

By their visitations for money. First. Church wardens of every parish in England and chapel, are called, who receive a book of articles to present by; if any are wanting, they are warned to appear at their courts with costs. These church wardens pay for their book of articles every year, (though the very same) as also for writing their presentments by a clerk (which they themselves could do, but are not permitted) two shillings fourpence; which in 9,285 parishes comes to one thousand fifty-eight pounds odd money yearly. *Secondly.* Ministers that are licensed, pay one shilling eightpence, or thereabouts, for showing their license to preach, to the registrar, at every bishop's visitation, though seen and allowed before; after that four shillings for procuration, to the bishop; and to the gentleman apparitor eightpence, though most pay twelvepence. I shall omit the poor curates' suit and service at this court, only let you know, that when any archbishop comes newly to York, all the parsons and vicars in his jurisdiction, though never so poor, and their charge never so great, give him a tenth of their livings for a benevolence, to help the poor bishop to settle himself in five or six thousand pounds a year; and if any, yea, the meanest vicar, whose poor children want bread, do through poverty omit the payment, this reverend father doth pitifully whip him to the very bones, in his merciless spiritual court.

By arch-deacons' visitations. These are twice a year. At Easter visitation the ministers pay their paschal rents, or synodals, which sums are not alike to all; some pay 5*s*, some less. At Michaelmas they pay procurations; some seven shillings, some ten shillings, some less. But it is judged that ministers pay yearly at visitations, five thousand pounds, and upwards.

By the vast charges in collegiate churches. There are twenty-six great deans with their attendants and servants, five hundred and forty-four canons, residents and prebendaries, with a numerous train of vicars, petty canons, singing men and boys, choristers, organists, gospellers, epistlers, vergers. Now this jovial crew have belonging to them, about four hundred thousand pounds yearly, in lands, rents, leases, and other revenues and profits thereunto belonging.

The excessive expenses that many thousands of the trading people of the nation are put unto, by the rigorous and tyrannical proceedings of the bishops, in excommunicating persons, for threepence, sixpence, and very trivial things. A catalogue may shortly be presented to you of the many families already undone by them; wherein it will be made manifest, that more families have been ruined, more persons imprisoned, more money spent by the cruelty of the prelates' proceedings, than by all law suits in all courts of judicature, all payments and taxes whatsoever, except upon the late extraordinary occasion.

The vast sums of money that the bishops, deans, &c. have treasured up, extorting it from the subjects for fines. You know, that for twenty years, some time bypast, their revenues were alienated, and sold for great sums of money to the natives of England. Those who bought them had greatly improved them, who, being some thousands of families, are undone by being turned out without any consideration. The bishops enter at a time when most of the old leases were expired, they proclaim their markets; he that gives most, friend or foe, he shall be taken tenant. They screw up the value to the height; and hereby they have drained out of the people's purses, such sums of money, that amounts to so monstrous a mass, that scarce any prince's treasury in Europe is able to balance it. In the mean time, the money that before ran current in trading, is dammed up in their coffers. Hereby the money that should carry on trade, is engrossed into the hands of a few rusty ecclesiastics, who neither serve our Lord Jesus Christ, nor their country, but their own bellies; and hoard up the riches that should be, as the blood in the *vena porta*, to be distributed into every vein and part of the body; but by being choked up in their corban, brings the whole nation into a consumption. And it is very considerable, that, in all other trades, men have something for their money. The farmer hath good lands for his money from the gentleman; the clothier hath good wool from the farmer for his money; the merchant hath good cloth from

1679 'Edinburgh, printed and dispersed at London, and cried in the streets, reflecting upon the proceedings of the lords of council and session; that the king orders a diligent inquiry, where, and by whom, the copies are written out, and dispersed at Edinburgh; the accounts at London bearing, that they are written at the chamber

---

the clothier for his money, and thus it goes round to every one's benefit: but pray, what have we from the bishops for our money? The answer will readily be made by the major part of the land. First. We have all our able, godly, orthodox ministers turned out, ruined and beggared, and no manner of supply provided for the maintenance of them and their families; and in their rooms, in many places, a company of debauched, illiterate, superstitious, profane priests; which blind guides must needs lead them that follow them—to hell. Secondly. We have gotten most of our church-wardens perjured, that do swear to present according to their visitation articles, and most of them undone that do not swear; although the imposing of such an oath is a breach of the fundamental laws of the land. Those church-wardens that are not perjured, but pursue the oath in persecuting their neighbours, are plunged into such horrid guilt, that without serious repentance, they must perish eternally; for they persecute the godly for godliness' sake, the righteous for righteousness' sake, as will appear in these following instances. 1mo. If a minister, never so godly and able, yea, though ordained, preach without a license from the bishop, the church-warden is bound to present him, and bring him into trouble: if he preach in a cloke, and not in a garment canonical, he is bound to do the like. 2do. If any person go to hear a sermon from his own parish church though there be *no preaching* minister there, nor no sermon at all, and though he be bound by his vow in baptism to hear sermons, this man is to be presented. 3tio. If a poor man, that hath not bread for his family, but what he earneth by his daily labour; if he work upon a holy day, appointed by Romish institution, he is to be presented. 4to. If any person, coming to church to their service, do not stand up at the creed, *do not bow* at the name of *Jesus*, do not keep off his hat all the while, he must be presented. Now there are in all, threescore and fourteen thousand church-wardens and sidesmen in England every year, and what a dreadful thing is it to have all these yearly, either perjured, persecutors or persecuted? Thirdly. We have gotten most of the sober trading part of the nation discouraged by citations, excommunications, writs to take them excommunicated, imprisonments upon ecclesiastical accounts: by this means, thousands of families are already ruined, and many hundreds are ready to leave the land, and remove into some other country, where they may have liberty of conscience, and freedom from these devouring harpies. Fourthly. We have got instead of the gospel in the power and purity of it, a service collected out of the Romish books, the mass, breviary, &c. which service of ours king James called an ill-sung mass. We have got surplices, caps, tippets, cringings, &c. out of the Romish rituals, insomuch that the papists themselves call it, an apish imitation of the mass. Fifthly. We have gotten a swarm of ecclesiastical officers, which the scriptures never knew, nor reformed churches ever owned. Sixthly. We have got a sort of proud prelates, of mean extract, not of the highest rank for godliness, learning and labour in the word, nor the greatest champions for the protestant religion; witness their silence at such a time, when popery hath so travailed to bring forth so many popish books printed and published in England, in affront and contempt of the reformed religion, yet few of our bishops have stood up in opposition to their design, nor printed any caution against popery, or answer to the popish pernicious pamphlets. However very elate they are, affronting our nobility, trampling upon our gentry, grinding to powder all that put not into their mouths, or offer not at their shrine: insomuch, that a gentleman of quality, a person of £3000 per annum, speaking to one of the said prelates (lately dead) boldly, but with due respect; the prelate, in a fume, answered, "What, sir, do you think that it is fit for every jack-gentleman to speak thus to a bishop?" deriding the gentry of our land, as not worthy to speak to a peevish prelate. Surely a gentleman of £500 per annum would have fallen under censure for presuming to speak to his postilion.

We have gotten all manner of misery to soul and body, plague, fire, sword, universal beggary, and, without seasonable mercy, the total ruin of the whole kingdom: but I know you will question, whether our miseries do arise from the cause assigned? To this I answer. The manifold provoking sins of the land, as adultery, blasphemy, swearing, idolatry, perjury, and contempt of God and godliness, do pull hard with heaven to bring down desolating judgments. But that the nearest cause of our impoverishments ariseth from the particulars forementioned, will appear, if you weigh the premisses before inserted, and give them leave to speak their own conclusion. If perjury causeth a land to mourn; if oppression and rigid persecution upon the trading part of a land begets discontent and deserting of trade; if rigorous exacting, and sordid hoarding up the money that should run current in trade, and that by such who contribute nothing to the public weal, be the bane of traffic, and the famishment of the poor handicraftsman, then we may lay all our calamities at the bishops' doors.

I shall call in some credible witnesses, divines and martyrs, to confirm this truth, and so leave it with you. Bishop Jewel on Hag 1. records out of Johannes Parisiensis, and others, "that when Constantine the great advanced bishops, and endowed the church with lands and temporal possessions, there was a voice of angels heard in the air, saying, *hodie venenum infunditum in ecclesiam*, this day poison is poured into the church." Bernard writes, "Since prelates increased in worldly pomp, choosing the first places in the church, they have been the chiefest in persecuting Jesus Christ, and have ever showed themselves not teachers but deceivers, not pastors but impostors, not prelates but Pilates, succeeding, not Peter in teaching, but

of James Hay, writer, who married a niece of Sir Archibald Primrose." The council appoint a committee to examine into this; and afterwards, July 19th, they send up the examinations relative thereunto. Meanwhile, July 11th, they write a letter to the king, thanking him for his concern in them, and desiring justice against such attempts. The curious reader will desire to see it; wherefore I have added it below.* 1679.

Before any answer could come from the

Romulus in murdering." Lord Cobham, that *faithful martyr, saith* to the bishops, "No ground have ye in all the scriptures, so lordly to take it upon you, but in Annas and Caiaphas, who sat in judgment upon Christ and his apostles; of them only have you taken it to judge Christ's members as ye do." Mr Tindal, that godly and learned martyr, writeth, "Wo to the realm where prelates are of the council! As profitable is the prelacy to the realm with their council, as wolves to the sheep, or foxes to the geese; for there is no mischief or disorder, whether it be in the temporal regimen, or spiritual, whereof they are not the chief causes, and even the very fountain and spring; so that it is impossible to preach against any mischief, except thou begin at them, or to set up any reformation in the world, except they are first reformed. They are as obdurate as Pharaoh, and therefore persecute they God's word, and the preachers thereof. They stir up mischief in the world, setting princes to war. They get into the consciences of kings, and persuade them what they list, neither can any king have rest for them. They pretend they are for God and the church, but their secret intent is to bring all under their power, and when they once are set high, then are they tyrants above all tyrants." Mr John Frith, that worthy martyr, in his answer to Mr Moor's preface. "Since Sylvester received such possessions, hath the canker so crept into the church, that it hath almost left never a sound member. Then, instead of God's word, they preached their own commandments, and made laws to have all under them; and even, as in the rooms of Moses, Aaron, Joshua, Caleb, and other such faithful leaders, came Herod, Annas, Caiaphas, Pilate, and Judas, which put Christ to death; so now instead of Christ, Peter, Paul, James, John, and the faithful followers of Christ, we have popes, cardinals, archbishops, and proud prelates, with their procters, and malicious ministers of their master the devil, whose end shall be according to their works." Dr Barnes, in his supplication to Henry VIII. "Now it is so far come, that whosoever he be, high or low, rich or poor, wise or foolish, that speaketh against the prelates, and their vicious living, he is either made a traitor to your grace, or an heretic, enemy, or schismatic against holy church; as though the prelates were kings or gods. And if any man, out of God's law and right conscience, speak against their damnable tyranny, little will they stick to make him an heretic; and if that will not help to colour and maintain their oppression, then add they treason, sedition, rebellion, and contempt of your grace, though he be never so true a subject." I shall conclude with a passage of learned Mr Tindal, in his Obedience to a Christian Magistrate, p. 114, 128, 146, "As thou canst heal no disease except thou begin at the root, even so canst thou preach against no mischief, except thou begin at the bishops. Whether Judas was a priest or no, I care not; but of this I am sure, that he now is not only priest, but also a bishop, cardinal, and pope. Bishops that preach not, or that preach ought save God's word, are none of Christ's, nor of his anointing, but servants of the beast whose mark they bear, whose word they preach, whose law they maintain, clean against God's law. Bishops they are that can only minister the temporal sword, their office, the preaching of God's word, laid aside; which they will neither do themselves, nor suffer any man else to do, but slay with the temporal sword (which they have gotten out of the hands of all princes) them that would. The preaching of God's word is hateful to them. Why? for it is impossible to preach Christ, except thou preach against antichrist, that is to say, them who, with their false doctrine, and violence of sword, enforce to quench the true doctrine of Christ. Our prelates ought to be our servants, as the apostles were, to teach us Christ's doctrine, and not lords over us, to oppress us with their own doctrines and inventions."

* *Letter, Council to the King, July 11th*, 1679.

May it please your sacred majesty,

As our zeal and faithfulness in your majesty's service shall ever be valued by us, as our greatest honour, as well as most bounden duty, so we most humbly acknowledge your majesty's gracious owning of us, and of our services, to be our greatest comfort and encouragement to persevere therein, against all manner of difficulties and opposition. A fresh and signal instance of your royal justice, wisdom, and goodness in owning your majesty's authority and judicatures, we have this day received by a letter from the duke of Lauderdale, wherein your majesty is graciously pleased to order us to inquire after the authors, contrivers, writers, spreaders, and other accessories to a late infamous libel, whereby the proceedings, both of the privy council and of the session, are grossly misrepresented, defamed, and slandered, and to proceed against them according to law and justice; whereunto (as to all other your royal commands) we shall be careful to pay diligent and exact obedience, and to return your majesty a clear account thereof. Upon this occasion we must crave leave to flee to your majesty's justice, that you would not suffer our integrity and zeal in your service to be, with impunity to the defamers, represented to the world as our greatest crimes, nor allow private subjects to assume to themselves the boldness of arraigning your own prerogative, and of judging the actings and proceedings of your eminent judicatures, as criminal, without receiving punishment due to such heinous offences. Your majesty's royal ancestors have piously and prudently provided against all such scandalous and dangerous attempts upon the monarchy and government by

1679. council, the king, after many delays, at length was brought to allow a conference in his own presence upon these matters of complaint. I have upon the former years taken notice of what passed in his majesty's presence upon this subject, and I have not much to add; only a letter writ, as it is plain, by one of Lauderdale's party at this time, is before me; and though the account be only as to the one side, yet none other being come to my hand, I shall here insert it, as containing what passed.

Windsor Castle, July 13th.

"SIR,—Upon Tuesday last, the 8th instant, the party lords, with their two advocates, Sir George Lockhart, and Sir John Cunningham, which the king did not send for, but had allowed them to come to plead, appeared. On the king's side was only the lord advocate, who undertook the debate against them all. The subject matter of the debate run upon what was contained in the libel printed by the party lords, which consists of the following heads:—1. The carrying in of the forces and Highlanders the last year into the west. 2. The taking of free quarter. 3. The incapacitating persons from office within burghs. 4. The bond for masters to be answerable for their families, servants, and tenants. 5. The lawborrows. 6. The king's power in imprisoning *indicta causa*.

"The lord advocate began to debate thus. He desired to know what part of that paper they insisted upon, or what else. The paper itself, he said, consisted of three heads. 1. The several parts of the king's prerogative therein mentioned, and whether the king or his council doing these things, was allowed by the law of the kingdom, and whether the king had power to do so or not. The second was, if the king's power by law was right applied in the particulars mentioned by the printed paper. The third was, accusations against private persons, such as the duke of Lauderdale and his brother. As to the first, there was a long debate, wherein sometimes the lawyers spoke, many times the duke of Hamilton, sometimes the marquis of Athol, and oft-times Sir John Cochran, and at last the laird of Macnaughtan, to whom the king was pleased to say, You are indeed a great lawyer, and a Highland man. The king's advocate proved the king's prerogative controverted, by the municipal law of the kingdom, by printed statutes, and constant practiques; and at last the two lawyers acknowledged, that by law, the king might

---

making good and wholesome laws against all calumniation and slanderers (by word or writ) of the king's person or government, or of his privy council, or their proceedings, and against all such as endeavour (by word or writ) to misconstrue or misrepresent public administrations, as thereby stirring up the subjects to misliking, sedition, and unquietness. And therefore a scandalous and calumnious libel, under the title of "Some particular matters of fact, relating to the administration of affairs in Scotland under the duke of Lauderdale, &c." having been some weeks ago dispersed here in writing, many copies whereof are now sent hither, published and printed, from London; which, though it would seem, by its title, to be levelled against the duke of Lauderdale, (of whose great usefulness, integrity, and faithfulness, for the interest of this kingdom, and your majesty's service in it, you have had so long proof and experience) yet, in its whole strain, we humbly conceive, it tends to the defamation of your majesty's government in this your ancient kingdom, and doth highly reflect on your majesty's own royal wisdom and actings, as well as on these proceedings of your council here, which your majesty hath graciously owned and authorized, which therein are represented as illegal and arbitrary; and that in another kingdom, the subjects whereof may be as easily abused and deluded by such misrepresentations, as they are utterly unacquainted with the laws and customs by which we are governed. We therefore, unless we would tamely betray your majesty's authority, and expose your eminent judicatures to contempt, and so render both useless for serving the ends of government, cannot but with great grief complain to your majesty of this high injury and affront done to your privy council, and most humbly supplicate and beseech your majesty's justice against the authors, contrivers, framers, writers, spreaders, printers, and all others who shall be found accessory to this calumnious and injurious libel. We shall not doubt but your majesty will be graciously pleased to command this justice to be done to your faithful servants and judicatures, so insolently invaded, when it is so humbly prayed by us, who shall never fail to observe the prescript of the laws in all our actings and proceedings towards your subjects, as to maintain your majesty's just authority, and royal prerogative inviolable, against all the adversaries thereof. Thus, praying for your majesty's long, peaceable, and prosperous reign over us, we beg leave, in all humility, to subscribe ourselves

Your majesty's most humble, most faithful, and most loyal subjects and servants,
Subscribed by the sederunt, except the bishop of Edinburgh.

do what was done, but did much question the council's prudence in the particular application mentioned in the printed paper. To this the advocate answered, that to question application, was to question the king, and his council who acted by his commission; that no judicatory was to give an account of the application of law, because the members were sworn to act according to their conscience; that they had done so; and to question this, were to overturn the fundamentals of all government; for then all sentences of a judicatory would be misregarded by the subjects, and consequently no delinquents punished; and by this means the subject would lose liberty and property. This answer brought all the matters of fact contained in the paper, to be debated one by one, which took up several hours, all which time the king heard patiently. As to the third, viz. accusations against particular persons, it was urged, that no accusation could be brought here without the kingdom against any particular man; for by act of parliament in king James II's time, all accusations and pursuits must be made first before the ordinary judge; and the king himself declared he would hear none such here at the first instance.

"The debate lasted eight hours that day, from ten to one forenoon, and from four to nine in the evening. Upon Friday the 11th, the king declared his pleasure, as is contained in his gracious letter to the council, sent by this flying packet.

"In the end of the debate, the duke of Hamilton offered a long paper, which was an accusation of the general of the mint; and Alexander Monro presented his petition, complaining that he had been turned out of the clerkship of the session, and this procured by the duke of Lauderdale and his brother. Brimhall presented a paper for the twelve persons in the council of Edinburgh, who had been incapacitate, and craved they might be restored. As to the accusation of the general of the mint, the king declared, that all contained in the paper were, things already tried, examined, and determined by him and his council, and therefore rejected it, and said the general was not concerned therein. As to Monro his petition, he was informed that he had received seven thousand merks of composition, and thereupon had demitted his post. As to the last, of the twelve incapacitate persons, his majesty declared he is resolved to inquire into the former practique by the registers, and consider what his predecessors have done in the like cases; and, as he finds, he will determine; and, if he find cause, they shall have a legal trial, 1679.

"Upon Friday evening the party made an application to the king for a further hearing, being informed what his majesty had resolved upon the first hearing, alleging they had many material things yet to say, but would not tell particulars. To this his majesty yielded, and appointed this day, being July 13th, at four of the clock afternoon for the last hearing, declaring, after that, he would neither hear them by word nor writ. Yesterday Sir George Lockhart went to London; some of the party went after him, but he refused to return to debate, saying, he would debate no more against persons, that, for any thing he could see, would thereafter be his judges. Sir John Cunningham, and the rest of the party staid here; and when their hour came, they sent the earl of Kincardine to tell the king they would insist no more. Whereupon the king hath been pleased to determine graciously as in this letter to the council. God save the king. I am, &c."

It is not improbable, but the king's resolutions, contained in the letters just now to be insert, which came to be known on Friday 11th, to the lords who complained, discouraged them from insisting, and made Sir George Lockhart leave them. Monmouth came out to Windsor on the 10th, and, it may be, the second conference on the 13th took its rise from him. Duke Hamilton's party signify in some of their letters, that by reasoning the king was very much convinced of great mismanagements in Scotland, and seem to be much pleased, that they had got the liberty to lay these things before him. They allege, that his majesty being so long and much embarked with Lauderdale, he could not presently break with him, but hope Halton will be laid aside. And I find one letter, writ at this time, says, that upon Saturday duke

1679. Hamilton got notice, that as soon as the king's affairs could allow it, the earl of Middleton and lord Tarbet were to be made joint secretaries in the duke's room; upon which he declined insisting any further. Whatever be in these, the king's revealed will came down by express to council, July 17th, in three letters, one to the council, another to the lords of the session, and a third to the justiciary. The first, in a particular manner, was most acceptable to the managers, and looks like a full victory by Lauderdale. I here insert it.

"Charles R.—Right trusty, &c. We well remember, that in the year 1674, we redressed the grievances even of those who would not in civility answer our letter to our parliament, at a time when we were so much concerned to have a testimony of the kindness of that our ancient kingdom; and that our commissioner offered to redress in our name what further would be required, if the complainers would first acquaint him therewith, which, though refused, yet did not hinder us from satisfying every thing that we could hear to be murmured against. Notwithstanding of all which, some of our nobility and gentry have continued in a constant course of misrepresenting our judicatories, and thereby lessening and weakening our authority, by taking upon them to be intercessors for our people, (an usurpation very factious, and dangerous to our government, and which we will never endure for the future) but yet to let all our subjects know our inclinations to justice, we did condescend for once to hear advocates upon the complaints given unto us, and to allow them a full security in debating even points of the greatest concern to our royal government, which, after we pressed upon the complainers, they often declined, upon pretext they had not their lawyers present: whereupon we having allowed them lawyers to come up, all was brought to a full and impartial debate. Upon which debates, we do now find, that it is acknowledged, even by their own advocates, that there was a law for doing such things as were controverted in some cases, excepting only whether we can lay aside incapacitate persons for magistracy, without a process; as to which we are to be further cleared by the instances whereby that practick was maintained. And as to the matters of fact differed upon, we have now and formerly cleared our judgment upon them so fully that we cannot now in justice but declare, that we think our judicatories and servants, and especially the duke of Lauderdale, of whose fidelity and services we have had so long experience, most unjustly used by the givers in of those complaints, there being no council against which those accusations may not be gleaned up. Therefore we do not only acquit our judicatories, and every person among them from all the matter given in in a paper to us, and most injuriously and unwarrantably printed; but we discharge for ever any person from giving in any of these complaints in any process, or manner whatsomever, and that under all highest pains. And as to the accusations against particular persons, we declare we will not hear such cases before ourself in the first instance, we being fully resolved never to injure so far that our ancient kingdom, as to draw hither processes whereby our subjects and counsellors would be infinitely prejudged. Having thus, and by our late proclamation, taken all possible pains to quiet all bypast distempers, we do, for the future satisfaction and security of our people, require, that all causes be tried before our respective judicatories, our council being proper judges as to what relates to matters of state and the public peace, and the session in civil, and our justice court in criminal cases. And we recommend unto you, if any differences arise among you in point of law, that you take the opinion of our judges therein before you determine. We look upon the injuries done to the duke of Lauderdale in that part of the paper (which makes him author of all that can be charged upon our council) as an high contempt of that our judicatory, tending to deface your persons and administration, and his integrity, he being one of your number, and living frequently at a great distance from you. And so we bid you heartily farewell. Given at

our court at Windsor castle the 13th day of July, 1679. And of our reign the 31st year.

"By his majesty's command,

"LAUDERDALE."

Many observes might be made upon this letter, but it is not worth while to lose time upon them. The letter is signed by Lauderdale, and penned by him, no doubt; and when a man hath his own cause in his own hand, he is a fool if he make not the best of it may be.

With this letter to the council, another came to the lords of the session, which, being but short, is likewise insert here.

"Charles R.—Right trusty, &c. All the complaints raised against you have no other effect upon us, than the clearing of our judgment and your innocence, and do convince us, the authors' only view in those, is to draw into their hand that authority, which upon that account only they can be angry to see in yours. Wherefore, under proofs of their malice and folly, we, to show our kindness and esteem for you, could not forbear at this time to take notice, that in a paper, most undutifully divulged by some of our subjects in Scotland, and printed, there is one article which charges you in general only, because the authors know no particular with which to asperse you, it being undeniable that your bench is filled with as much learning and integrity at least, as in any age, and much more than your accusers could supply it with; and therefore we will own you with that concern and steadfastness your merit deserves, and will be unkind to all your enemies, by the same measure as they are injurious to you, whom we consider as our great council in matters of law, and upon whose fidelity we rely, as much as we have just reason to suspect theirs who injure you. So we bid you heartily farewell.

"LAUDERDALE."

"Windsor, July 13th, 1679."

It concerned Lauderdale very much to have the lords of session for him, and therefore the compliment of this letter is given them. And for the same reason, and that the criminal court had been attacked in the complaint given in by the lords at London, another letter is directed to the justiciary, which is likewise added here, as it stands recorded in their registers. 1679.

"Charles R.—Right trusty, &c. The punishment of crimes being of so great import to our service, and tending so much to secure our peaceable subjects, and you being, in the execution of that employment, at so much pains, and your bench being, by its late constitution, filled by persons of extraordinary abilities and breeding, we have thought fit at this time to assure you of our firm resolution to own you, and that our court, in the administration of justice to our people; and that we will punish such as, by injuring you, asperse our authority, and poison our people. And particularly, we thank you for your proceedings against Mr James Mitchel, that enemy of human society; these who lessen that crime, or insinuate any reproach against those interested in that process, as judges or witnesses, being justly chargeable with the blood which they encourage to spill upon such occasions. And so we bid you heartily farewell.

"LAUDERDALE."

"Windsor castle, July 13th, 1679."

Returns were made to all these letters from the king. That from the council is before me, dated July 18th. They own this the greatest expression of his kindness and concern in his ancient kingdom and them, they are capable of, and go on in the highest strain of acknowledgment, and profession of returns. I find these upon Lauderdale's side took their leave of his majesty July 27th, and by them he sends the signification of his pleasure about the indemnity, and other important matters of which we have heard. Thus we see the issue of the complaints at London, and that all concerned are vindicated as far as Lauderdale and letters can do it. When this business is over, duke Hamilton, and those who joined him, left the court, and was but little in favour until the revolution, and we shall hear little more about him.

Though Lauderdale stood his ground, Monmouth was yet in court; and as this

1679. brought some favours to some of our oppressed gentlemen, so those raised no small stir among our managers. By a letter from the king, dated July 17th, Sir Patrick Hume of Polwarth is liberate. The letter bears, "that he had been imprisoned for reasons known to his majesty, and tending to secure the public peace; and now, the occasions of suspicion and public jealousy being over, he is ordered to be liberate." By a letter of that same date, Mr Stuart is restored to his liberty. And the king's letter, February 1675, "ordering him to be seized and imprisoned, is recalled, upon information of his peaceable behaviour since. He is indemnified from all that can be laid to his charge, reponed to the king's protection; and this letter is to be recorded, and extracts allowed him." We heard before, that Mr William Veitch was likewise liberate by a letter of this same date. And, July 22d the council are allowed to set my lord Cardross at liberty, he paying his fine. I shall give his case more fully next year all together. These favours were granted to soften the clamour that was made upon the duke of Lauderdale's conduct, and in part to gratify the other side; and it is probable, had not the duke of York come over, as we heard, more of this nature had been done. However, they alarmed the managers at Edinburgh, and, upon the 25th of July, the earl of Linlithgow and Claverhouse, by the council's permission, go to London, and the chancellor followed in a few days. The talk continued as if there would be changes in the council, army, and the church. As to the church, they began to say, that Mr Leighton, the bishop, I suppose, was coming to Edinburgh to reside, clothed with a commission to superintend the clergy, and to have two hundred pounds sterling a year: so I find some private letters at this time bear. It was talked, that the bishop of Edinburgh was to be made archbishop of Glasgow, and the bishop of Aberdeen to be translated to Edinburgh; that an addition was to be made to the council, Southesk, Kincardine, Haddington, Drummond, and Sir Archibald Primrose; and that the duke of Monmouth was to be made captain general of all the king's forces, with large powers. A copy of his commission for this, July 29th, I have seen, and insert below.* But I leave these things to civil historians.

---

* *Commission in favours of James duke of Buccleugh, July 29th, 1679.*

Charles R.

Our sovereign lord ordains a commission to be passed and expede, under his majesty's great seal of his ancient kingdom of Scotland, whereby, for the great trust that he reposes in his entirely beloved cousin and counsellor, James duke of Buccleugh and Monmouth, *he therefore nominates*, constitutes, and appoints him captain general of all his majesty's forces already raised, or hereafter to be raised, as well standing as militia, within his majesty's said kingdom, giving and granting to the said James duke of Buccleugh, the full and absolute power for bringing together and exercising the said forces (the said militia forces being always to be first raised, by his majesty's express order, and not otherwise) and of dividing into parties, squadrons or brigades, and with them, or any of them, to resist all invasions, either foreign or intestine, and to suppress all rebellions and insurrections, and to kill, take, and apprehend all such as do rise, or make opposition: as also, with full power and authority to the said James duke of Buccleugh, to issue out proclamations, for receiving into his majesty's mercy and pardon, all such enemies and rebels as will submit themselves, and lay hold on the said offer; councils of war to hold by himself, or other officers under his command, and therein to punish, according to the articles of war, already passed, or to be passed by his majesty for that effect; with power likewise to him, as general, to call for such arms and ammunition, out of his majesty's stores, as he shall find necessary for his majesty's service; and generally, with all the powers, dignities, and pre-eminences that are any ways known to have belonged at any time to the said office of captain general: and more especially, with all the powers and pre-eminences contained in the commissions formerly granted, by his majesty, to the earl of Rothes and Middleton, which are all holden as here expressed; willing and commanding all officers and persons whatsomever, any ways concerned, to be obedient and assisting to him in all things touching the due execution of this present commission, as they will be answerable to his majesty upon their highest peril. Which commission is to continue in force, during his majesty's pleasure allenarly. And his majesty ordains this commission to be extended in the best form, with all clauses necessary, and to pass the great seal *per saltum*, without passing any other seal or register. For doing whereof, this shall be to the lord chancellor, and director of the chancellary, a sufficient warrant.

Given at the court at Windsor, the twenty-ninth of July 1679, and of his majesty's reign the thirty-first year.

May it please your majesty,

These contain your majesty's warrant for a commission to be passed under the great seal of your ancient kingdom of Scotland, *per saltum*, nominating, constituting, and appointing James

I shall now conclude this section with a few other incidental matters, which I had not room for upon the former sections, and the procedure of the council towards the end of this year. July 12th, the earl of Queensberry is admitted a privy counsellor: the reason given is his zeal in promoting his majesty's service, and suppressing the rebels. This is his first advancement; we shall afterwards frequently meet with him in this history. August 13th, at the frequent meeting of the council, we heard of, called this day, the king's indemnity is ordered to be published by the magistrates of Edinburgh in their formalities, and that bells be rung, the castle fire, and bonfires be put on. A committee is appointed to consider what is further to be done with the murderers of the archbishop, the case of the prisoners, and the state of the Highlands. This committee bring in the proposal about circuit courts, of which section IV. and move that the prisoners continue as they are, till the king's pleasure be had; that the sheriff of Fife apprehend the robbers of Mr Robert Sharp minister at Muckhart, and endeavour to recover his goods, and that he may be recommended to the treasury; that James Hamilton, a prentice boy in Glasgow, prisoner in the Grayfriars, be liberate; that the advocate raise a process of forfeiture against the landed persons murderers of the archbishop, and against the lord Macdonald and other Highland fugitives. September 18th, Sir William Paterson is admitted clerk to the council. September 19th, the earl of Linlithgow's commission, as major-general, declared void, not from any dissatisfaction with him, but because the forces are few, and a general already appointed; and, September 20th, the bond of Mr James Rymer, late professor of philosophy in St Andrews, to stay at Edinburgh, under pain of 10,000 merks, and answer for harbouring the murderers of the archbishop, is ordered to be given up, the council finding he is not guilty; and yet he is ordered to give another, under the same pains, to appear before the justiciary when called. And Mr William Erskine, prisoner in Stirling more than three years (some papers before me say, he was in prison, with a very little intermission, full ten years) is ordered to be liberate. That same day a new proclamation is emitted against the murderers of the archbishop of St Andrews, and their names insert. And at the close of it, all the magistrates of royal burghs, are ordered to take the declaration against Michaelmas next. I make no reflections upon it, but add it with the rest of the public papers.* 1679.

duke of Buccleugh and Monmouth, captain-general of all your majesty's forces, already raised, or hereafter to be raised, as well standing forces as militia, within your majesty's kingdom (the said militia forces being always to be first raised by your majesty's express order, and no other ways;) with full power to him to issue proclamations for receiving into your majesty's mercy and pardon, all such enemies or rebels, as will submit themselves, and lay hold on the said offer, and to call for such arms and ammunition out of your majesty's stores, as he shall find necessary for your majesty's service; and generally, with all the powers, dignities, and pre-eminences that are any ways known to have belonged, at any time, to the said office of captain-general; and more especially, with all the powers and pre-eminences contained in the commissions formerly granted by your majesty to the earl of Rothes and Middleton, which are held as here expressed. And your majesty ordains this commission to continue during your majesty's pleasure allenarly, and ordains these presents to be extended, &c.

LAUDERDALE.

* *Proclamation against the murderers of the archbishop, September 20th, 1679.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lovits heralds, macers, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. We taking to our consideration, how much the protestant religion, and the honour of this our ancient kingdom are stained by that barbarous and horrid assassination and murder of the late archbishop of St Andrews, whereof we have, by several proclamations, expressed our abhorrency, and prohibited the reset of these murderers, whom we have excepted from our late gracious pardon and indemnity: and albeit it was the duty (not only of those in authority under us,) but of all our subjects, to use their endeavours for discovering and bringing to justice these execrable persons, enemies to all humane society; yet we understand, that these murderers, and likewise divers heritors and ministers, who were engaged in the late rebellion, and are excepted from our indemnity, have been harboured and reset in some places of this kingdom, to the great reproach of the nation, and contempt of our authority and laws. Therefore, we, with advice of our privy council, do command and charge all sheriffs, stewarts, bailies of regalities and bailiaries, and their deputes, magistrates of burghs, and others in authority under us, to search for, seek, take, and apprehend the persons afternamed, viz. John

1679. When the accounts came, that the duke of York was coming for Scotland, October 16th, the council send letters to the absent members to repair to Edinburgh with all speed, the council designing to meet his highness at the border, and that noblemen and gentlemen near by be desired to wait on them on this occasion. Letters are writ to the sheriffs of Edinburgh, Haddington, Linlithgow, Berwick, and others, to attend. Mr Maitland of Dudhop is sent to attend his royal highness in England, and to know when he will be waited on. He came to Berwick upon Friday, November 21st, to Lethington upon Saturday, and to the Abbey, Monday, November 24th. The council went out and met him, and he was received into town with the greatest solemnity, and sumptuously entertained by the town of Edinburgh and the nobility. The duke retired from the storm that he found gathering against him from the new parliament in England; and when that was over, by the prorogation, the king called up his brother in February, as we may hear, and he went up to manage all at court. Several of our Scots nobility went with him by sea, and some of them were lost in their passage homeward. The duke's presence very much strengthened the violent party in the council, and the bishops, in their severe measures against presbyterians. And, to be sure, that party need expect no mercy from popery and papists, and whatever is done under pretext of favour to them by that gang, is still a snare; and from the duke's coming, and his being here afterwards, we may in part draw the growing nature of presbyterians' sufferings, during the following years.

Meanwhile new orders are given to the army, and general Dalziel is warranted to order the officers and soldiers of the standing forces to search for, and seize such as are declared fugitives and rebels by the justiciary for the late rebellion, and that conform to a roll given him under the justice-general's hand, of which we shall hear more afterwards. Yea, by a letter from the king, dated November 1st, general Dalziel is declared commander-in-chief of his majesty's forces, with this addition, "And that he may be enabled to act with the greater freedom from time to time, in the discharge of his duty to us in that important post, he may go on, without losing of time in staying for orders from any other person in our absence:

Balfour of Kinloch, David Hackston of Rathillet, George Balfour in Gilston, James Russel in Kettle, Robert Dingwal a tenant's son in Caddam, Andrew Guillan webster in Balmerinoch, Alexander and Andrew Hendersons, sons to John Henderson in Kilbrachmont, and George Fleming son to George Fleming in Balbuthy, who did perpetrate and commit the said horrid murder; and also, any heritors and ministers who were in the late rebellion, and any persons who have reset and harboured these murderers and rebels, wherever they can be found within the bounds of their respective jurisdictions, and put them in sure ward and firmance, until they be brought to justice; and in case these persons flee out of the shire, that they give notice thereof to the sheriff, or other magistrate of the next shire or jurisdiction, that they may, in like manner, search for, apprehend, and secure them, until they be brought to justice. With power to the sheriffs, and other magistrates aforesaid, if they shall find cause, to call to their assistance our subjects within their jurisdiction, or such a number of them as they shall think fit, who are hereby required to concur with, and assist them, under all highest pain and charge. And we expect, that the sheriffs and other magistrates aforesaid, will use exact diligence in the premisses, as they will be answerable on their highest peril. And seeing, by the fifth act of the second session, and the second act of the third session of our first parliament, the magistrates and councils of burghs are ordained, at and before their admissions to the exercise of their offices, to sign the declaration appointed to be signed by all persons in public trust, under the certifications therein expressed; therefore we, with advice foresaid, do command and require the magistrates and councils of the respective burghs of this kingdom, who shall be chosen at the next ensuing elections, to sign the foresaid declaration, as is prescribed in the said acts, and to return the declarations, so signed by them, to the clerks of our privy council, betwixt and the third Thursday of November next; certifying such as shall not give obedience that they shall be proceeded against, and censured conform to the said acts of parliament. Our will is herefore, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and remanent market-crosses of the head burghs of the several shires of this kingdom, and other places needful, and there, by open proclamation, make publication of the premisses, that none may pretend ignorance of the same. And we ordain these presents to be printed.

Given under our signet at Edinburgh, the twentieth day of September, 1679, and of our reign the thirty-first year.

WILL. PATERSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

nevertheless, in emergencies of state, the council are allowed to give him directions." This is a large power indeed. At the same time the council go on against conventicles, and ordain the magistrates of Linlithgow to suppress a meeting-house they are informed is setting up there. And November 13th, orders are sent to the magistrates of Linlithgow, Innerkeithing, and Kirkaldy, to suppress the meeting-houses set up there.

When the duke of York came down, he acted as a counsellor, without taking the oaths, by virtue of a letter from his majesty, dated November 30th, which runs, "Right trusty, &c. We have thought fit to acquaint you, that our only brother the duke of Albany and York, being resolved, with our allowance, for some time to reside in Scotland, it is our pleasure that he continue to act as a privy counsellor, in that our ancient kingdom, without any oath, being named in our last commission 1676, (as he did by our former commissions) it being the privilege of the lawful sons and brothers of the king, not to be comprehended under any such general words as these of the 11th act of our first parliament, though that act doth comprehend all others except them alone. For which this shall be your warrant.

"LAUDERDALE."

Upon a letter from the king, that the militia be regulated, the council, December 18th, approve of the report of their committee. This report, because much of the harassing of the country was from the officers, and parties of the militia, and the subsidy for supporting them was very heavy, I have inserted below.* That same day, a report is approven about the prisoners, "That Alexander and James Balfours, and James Ness, in prison for presumed accession to the archbishop's 1679.

---

* *Report about the model of the militia, December 18th, 1679.*

The report underwritten, anent the new model of the militia, being read, was approven, and it was recommended to the committee appointed to consider that affair, to meet and see what is further to be done thereanent, in pursuance of his majesty's commands, signified by his letters to the council, of which report the tenor follows. The committee finds, that, by two several acts of parliament, there is offer made to his majesty, of 20,000 foot, and 2,000 horse; that the privy council did enact several things, by way of instructions, concerning this militia, in the year 1668, and especially, that they should rendezvous for exercise, five days ilk year: the committee considered, that no less than ten days was possibly necessary *for* five days' exercise, in respect of coming and going, and that eighteen shillings Scots is appointed for ilk horseman, and six shillings Scots for ilk footman of the said days. They find these instructions approven and ratified in parliament, in the year 1669, and, by the same act, further power is granted to the council, to appoint rendezvouses as they should find expedient; yet they do not find, that the council has hitherto added any more days than formerly. They likewise find, that his majesty, by his gracious letter the 26th of October 1678, looking on the 22,000 men, as too great a number to be frequently withdrawn from their employments, did, for the ease of the subjects, propose that only 5,000 foot, and 500 horse, should rendezvous for exercise; and, to the end those might be effectual, and fitted for the king and country's service, proposed, that they should exercise four days each month: but, in his royal wisdom and goodness, taking care that the subjects should not be put to more expense, than by their own consent in parliament they had already consented to, hath not proposed that the council should add any more expenses upon the account of rendezvouses, but that the days already appointed for the 22,000 may be converted to maintain 5,500 for an equivalent number of days; and if more days be requisite for exercise, that his majesty is to pay therefore. As also, that, out of his majesty's treasury, he will order yearly salaries for such officers as shall be necessary for exercising these regiments and troops in military discipline, for the common safety of king and country. To the which proposal the committee find, that the privy council, on the 14th day of November 1678, did give their unanimous approbation, and dutifully returned the same with a just cast of the said 5,500 men on the several shires of the kingdom, in the proportion of the militia, according to the act of parliament; and likewise his majesty, by his letter of the 10th of December instant, hath recommended the said proposition to the privy council, with his royal pleasure, desiring the same to be made speedily effectual; which being committed, it is the humble opinion of the committee, that the proportions already casten on each shire are just and equal; and as to the expenses to be paid by the country, in respect that his majesty proposes that the whole should rendezvous two days each year, so that there remains only eight days of the number hitherto appointed, and that his majesty has signified his royal will, not to burden the subjects with any addition to what is already appointed. It is their opinion, that, in place of the eight days for 22,000 men, the country should pay thirty-two days to 5,500 men, according to the rates allowed in the act of parliament; and if his majesty appoint any more days, that they be paid by his majesty; and that his majesty would commissionate such officers as he thinks fit, and that so soon as his majesty pleases; that after they are

1679. murder, be further tried. That Robert Garnock smith in Stirling, is most obstinate and malicious, and will neither enact himself not to take up arms, nor say the archbishop's murder was murder, but excommunicated such of his neighbours as did so; and therefore he lie in prison till further trial." We have seen the ground of this ill-worded report about this person above. "That John Henderson, an old man, in prison for harbour of his sons, after they had been at the murder, which he denies, and Henry Schaw in Fife, taken when Inchdarny was killed, be liberate on bond of a thousand merks, to compear when called. That Robert Blaw, now three years in prison for conventicles, be liberate on bond of two thousand merks. That George Fleming, and Stirk, in prison for suspected accession to the murder, be continued."

December 23d the chancellor writes the following letter to general Dalziel. "Sir, besides the heritors given up in the Porteous roll, it is informed, that there are several other heritors who were in the rebellion not given up; and whereas in several places of the country that defect may be supplied, the council recommends unto you to appoint your officers to inform themselves of such heritors, and the parishes where they dwell or dwelt, and of the witnesses against them; and as soon as possible send up accounts to the advocate, that he may the better be able to insist against them, before the justices. I am, &c. Rothes." We see the pains they are at to discover heritors, and what repeated endeavours are used this way; and in the following years we shall find the managers got their lands and estates.

Towards the end of this year, I find several presbyterian ministers in the west met at Paisley; and considering the great hazard of religion, and the terrible advances popery was making, they drew up a warning against popery, and a short vindication of presbyterian principles, which they resolved to have published, but would not let it come to the open view, until the rest of their brethren in other places should see and approve it. There had been a general meeting of ministers appointed at Edinburgh, upon the day of February next, and the warning was sent in thither with one of their number: but the times growing worse, and some noise being made by the managers about that meeting, it was found convenient to drop the meeting. This paper I have not seen, but I hear it was pointedly drawn. After this till the revolution, presbyterian ministers had few or no meetings; and I shall have little more to say of them, but that they remained in retirement, few venturing to preach in the fields, and some now and then in houses. And through the following years I shall have little more to narrate, but a continued scene of persecution of ministers and people, and heavy oppression of the whole country. Thus I have given as full an account of this remarkable year 1679, as my materials afforded me.

CHAP. IV.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, DURING THE YEAR 1680.

This year does not afford so much matter as the last, with respect to 1680. public commotions and stirs, but as much, if not more, with relation to what is properly the design of this work. The west and south of Scotland continue to be harassed with the cruel soldiers; and in the entry of the year the justiciary fall to work effectually to prosecute multitudes criminally for the rising at Bothwell; and not a few were involved in the prosecution, who were not concerned in the rising. The months of June and July opened a new scene of suffering: the taking of a rude and unfinished paper at Queensferry, and the first declaration made by a few who distinguished themselves, by their peculiar sentiments, from the rest of the suffering presbyterians, produced a severe proclama-

appointed for their several charges, they may receive instructions from the council to the commissioners of the militia in the several shires, to make the said model effectual, as is proposed; and if his majesty pleases to dispense with the two days of the general rendezvous of the whole, in that case that the country should pay forty days to the model, at the foresaid rates, which is, with all humility, left to his royal pleasure.

tion; and the sending of soldiers westward, to prosecute this, issued in the scuffle at Ayrs-moss. Such who ran to the heights in the declaration just now spoken of, shall now, and after this, be accounted for by themselves, as having separated from the rest who owned presbyterian principles: and I shall essay to give matter of fact with relation to them, and the sufferings they underwent. Several of them suffered unto blood this year. After Ayrs-moss, and the executions which followed upon it, Mr Cargill's singular and unprecedented excommunication will fall in, and some more public deaths for hearing him preach and owning these papers he was concerned in. Those subjects will afford matter for several sections. The forfeitures and criminal trials I am able to give in their proper places from the justiciary books: but several accounts of courts held up and down the country, and the hardships of particular persons, I have without dates, the papers containing only the year in general; and sometimes I must gather it from the circumstances which were in this year. The matters of fact are certain, and any mistakes as to the date, will be excused.

SECT. I.

Of the persecutions relative to Bothwell rising, for non-attendance on the king's host, and the forfeitures this year, 1680.

AFTER the large account of the rising last year, it will be proper to begin the history of this with the procedure of the managers against such as were alleged to be concerned with it. These were of two sorts, the heritors and gentlemen, who did not come to the host, and actively concur with the king's army, and the heritors and others who were said to be in the west country army. I shall give some account of the rigorous procedure against both, from the records.

To begin with those who were prosecuted for non-attendance on the king's army, it may be observed, that we have several old laws in Scotland made in the time of our feuds, and almost continual differences among families and clans, and when our kings lived in this kingdom, which do make the not coming out when called to the king's host, a great crime, and *ad terrorem* severe punishments are by these laws knit to it; but I question, if for these hundred, or hundred and fifty years, they were put in execution, till now they are advanced as a handle against a great many persons, who from different reasons came not out against the west country army. Matters were laid last year for this prosecution; and, of design, I left them to this place, and so we must look back a little. After the rising at Pentland, little or no stir was made about heritors' non-attendance upon the army; but now our managers resolve upon severer courses; and when they find that what was to arise from the estates of such as had been personally concerned in the rising, would not answer their expectations, a more general oppression of gentlemen and heritors is resolved upon. It was presumed, that such who did not heartily join the army, were well affected to presbyterians, and no opportunity of bringing such to trouble was lost, especially when it was like to bring in large sums of money. Thus I find by the council registers, November 6th, 'That, at the desire of the lords of justiciary, a committee is named to meet with them, the chancellor, earls of Argyle, Murray, Glencairn, the president, treasurer-depute, registrar, and advocate, and consider what shall be the punishment of absents from the king's host. November 8th, their opinion is reported, that the heritors and freeholders guilty, should be fined; the most guilty not above two years' valued rent, and the least in a fourth part of their rent: that those who are fined in the least degree, be appointed to take the oath of allegiance and declaration, and, if they refuse, that they be fined in the highest rank.' The council approve this report. Thus no small persecution for conscience sake, is mixed with this civil kind of crime. Those proposals are transmitted in a letter to Lauderdale, dated, 1680.

"Edinburgh, November 11th, 1679.

"May it please your grace,

"The just abhorrence we have of the last rebellion, and the too just fears that the

1680. same principles may occasion the same distempers, do oblige us to inform his majesty by your grace, that if those who went not to assist his majesty against these rebels, or deserted the king's host, be not punished, we cannot promise his majesty will have any proportional force against any future insurrections, since we find, by our great experience, that those who were at daily expense and hazard in that expedition, are much discouraged, when they see others who stayed at home, or deserted, suffer nothing; and that such as stayed at home, from a principle of unkindness to his majesty's government, do treat the dutifulness of such as went there, as an officious and unregarded forwardness: withal, your grace may inform his majesty, that we are resolved to pursue so moderately these offenders, as may show that this punishment should be rather a warning; those most guilty being not to be fined above two years valued rent, whilst others, who are less guilty, are to be fined at least in a fourth part of a year's valued rent, and which is little more than what they behoved to have spent in the expedition: whereas, the statutes against the crimes, having left the punishment to be proportioned according to the several circumstances that should occur, such offenders have been punished by forfeitures, confiscations, and banishment. These our resolutions, though taken and formed after much serious debate, are subjected with all dutiful respect to his majesty's royal consideration, by

"Your grace's most humble servant,

"ROTHES Cancel. I. P. D."

The motions for this heavy oppression of multitudes, we see, came from Edinburgh, and were fallen in with at London. Accordingly, I find a letter from the king upon this subject, recorded in the justiciary-registers, of the date,

"Whitehall, November 18th, 1679.

"Charles R. Whereas, albeit by express law, the deserters from our host be punishable by death, yet we are graciously pleased hereby to allow you to proceed against them in the same way, and to the same pains and punishments as you are resolved to proceed against the guiltiest of such as did not come to our host. For doing whereof this shall be your warrant.

"LAUDERDALE."

By the proclamations issued out during the rising, the absents from the host were to be punished as deserters of it; but that being death by some antiquated laws, and it not being blood but money, a good many about Edinburgh were at this time wanting, this letter was procured with relation to deserters, who, I suppose, were not many, in the ordinary sense of the word; and this was a preface to what followed as to the absents. That same day, a letter is writ to the council, approving the proposal in all points, which they make in theirs of the 11th, and so it needs not be insert here. When they are thus warranted to begin their finings upon this head, they go roundly to work, and letters are writ to the sheriffs in each shire, that they send in the books of valuation, or attested copies of them to Edinburgh; and the officers of the army are appointed to send in lists of the heritors in each shire, who did not attend the king's host.

In December and January, citations are ordered to be given to some hundreds of gentlemen, heritors, and freeholders, by the justiciary. It took some time before the lists could be made up, and the witnesses condescended on, and the managers themselves seem not to be fully agreed, and severals were for moderate courses, gentlemen's excuses being found many of them highly reasonable for not attending musters, and coming to the host. But the violent party prevailed. Thus, February 23d, a great many considerable gentlemen, heritors, and feuars, are pannelled before the justiciary for absence from the host, and receive their indictment. Good numbers of the ablest lawyers were employed by the gentlemen, and their defences are long, and pleadings very large upon the matter in general, and the particular circumstances of the pannels. The advocate gives large replies, and enforces his reasonings with the weight of the letter from the king to the council upon this head, dated November 18th, which was noticed just now. This argument from a resolution in council,

backed with royal approbation, no doubt was unanswerable; and so the lords give sentence against the gentlemen. I cannot insert all who were fined now and afterwards; only, for a taste at this time, James Young of Kirkton is fined in 1870 pounds Scots, of Pitlochie in 700 pounds, Alexander Durham of Largo in 1850 pounds, David Balcanquel of that Ilk in 500 pounds, Alexander Nairn of Samford in 294 pounds, George Moncrief of Redie in 300 pounds, James Weems in Glencorston in 175 pounds, and multitudes of others. At other diets of the justiciary in February, I find vast numbers of gentlemen and heritors in the shires of Lothian, the Merse, and other places, pannelled, and more than a hundred of them fined in very considerable sums; and, towards the end of March, the lords are taken up in the same work: sentences are past against as many as in February, if not more, and discharges are produced of the payment of former fines, some of them several thousand pounds. Upon the 26th of July, this matter of absence from the king's host, is taken out of the hands of the justiciary, and put in the hands of the council. This was a more arbitrary court, and gave not themselves the trouble of lawyers, and legal defences. That day, I find the advocate produced a letter from the king, of the date,

"Windsor, June 1st, 1680.

"Charles R.—Right trusty, &c. We are sensible of the small effects that have followed by the trial of such who have been absent from our host, before the justiciary; and being informed that summons are issued out to cite many others through the shires for that crime, it is now our will and pleasure, that they be proceeded against, not criminally, but by way of fining, according to the degrees of their guilt, not admitting frivolous excuses for absence or desertion, which we look upon as preparatives of dangerous consequence to our service. We desire none benorth Tay be troubled with trials or citations, these only excepted who are known to be notoriously disaffected to our government in church and state: for though we are at this time graciously pleased to excuse them from a criminal process, yet we will not suffer absents and deserters to escape without some punishment by way of fining, which we desire you to signify to our justice court. So we bid you, &c." 1680.

How it came to pass that such a letter as this, of the date, June 1st, was not intimated, till July 26th, I shall not inquire; certainly somebody or other found their advantage by it. This letter is intimated and recorded in the criminal books, and all processes in dependence before them are deserted, and in their room succeed the processes for forfeiture of life after Ayrsmoss.

When this matter comes before the council, they go closely to work, and their registers for some months are mostly taken up with those processes. Many hundreds are cited before them, the diets of some are continued, others are deserted (not without compositions and money privately given.) Multitudes are fined in absence, and some declared fugitive. To enter upon particulars would swell this chapter too much. Let me give only a few instances. "July 13th, Dundas of Borthwick is fined in a year's rent. August 1st, the laird of Riddel's excuses for absence not sustained, he is fined in two years' rent, which is 6,000 pounds Scots; George Douglas of Bonjedburgh fined in 6,000 pounds Scots; Ker of Cherrytrees in 3,000 merks; James Scot of Thirlstane in 2,776 pounds; Francis Scot of Greenhill in 800 pounds." It is noticed, that they all refused the declaration, probably otherwise they might have had their excuses sustained, or been fined vastly down of those sums; and so they are properly sufferers for their opinion in point of prelacy. August 9th, the following persons in Berwickshire, are fined for absence from the host; "Patrick Wardlaw, in 4,000 pounds Scots, Robert Brown of Blackburn 1,200 pounds, Pringle of Greenknow 1,500 pounds, Alexander Hume in St Bathans 200 pounds, Samuel Spence 400 pounds, Clapperton of Wylie-cleugh 1,000 merks, George Hume of Bassenden 1,000 merks." They are all ordained to pay in six days. But particular instances would be endless. November 11th, I find the council appoint, "That caption be executed with concurrence of parties of soldiers, for the fines of

1680. the absents from the host; that their escheats be gifted in name of his majesty's cashkeeper; that in time coming, all found guilty of absence shall be kept in custody till they pay the fine." This obliged many not to compear, and then the soldiers execute the sentence pronounced in absence.

I come now forward to give an account of the forfeitures this year, passed in great numbers upon presbyterian gentlemen and others, for their alleged being at Bothwell. All almost I can do is to insert their bare names from the justiciary books, wanting informations as to the circumstances of most of these gentlemen. Only it may be noticed in the general, that most of these forfeitures were passed in absence, and upon very slight and lame probation, and multitudes of them in common course, as it were like bills of suspension before the ordinary; yet the time was, when the justice court not long ago scrupled upon such like proceedings. The Galloway gentlemen, who they alleged were at Bothwell, were the first sacrifices. Thus I find, February 18th, Patrick Macdowall of Freugh is called, having been cited before. His name is in the proclamation excepting persons out of the indemnity, as likewise, that of most of the rest forfeited this month; and the managers were well assured they would not compear, and their citation was really a jest, after they were thus excepted and marked out for ruin. In absence they have witnesses led against them, generally speaking, soldiers and spies, who had been hired to traffic up and down the country. Some depone they saw Freugh at Sanquhar a commander of a body of four or five hundred men in arms, as they came to Bothwell. Two witnesses depone they saw him at Hamilton Muir among the rebels. The sentence runs, that when taken, he shall be executed and demeaned as a traitor, and his heritage, goods, and gear be forfeited to his majesty's use. Upon February 18th, Mr William Ferguson of Kaitloch, Alexander Gordons elder and younger of Earlston, James Gordon younger of Craichlaw, William Gordon of Culvennan, Patrick Dunbar of Machrimoir, and M'Ghie of Larg, are called. It hath been remarked before, that Earlston elder was killed about the time of the defeat: this good man is prosecuted after his death, of which we shall meet with more instances. The prepared witnesses depone as to their accession to the rebellion, and they all are forfeited, as above, in common form, except M'Ghie of Larg, who is continued until the second Monday of June; the reason of this I know not.

Another process of forfeiture is commenced in the end of June, and ended July 6th, against the following persons, John Bell of Whiteside, John Gibson of Auchinchyne, Gibson younger of Ingliston, Gordon of Dundeugh, Grier of Dalgoner, Smith of Kilroy, M'Clellan of Barmagechan, Thomas Bogle of Bogles-hole, Baird younger of Dungeon-hill, Gordon of Craig, Lennox of Irelandton, Gordon of Bar-harrow, John Fullarton of Auchinhare, David M'Culloch son to Ardwel, William Whitehead of Mill-house, John Welsh of Cornley, Neilson of Corsack, Robert M'Clellan of Barscob, Samuel M'Clellan his brother, Fullarton of Nether-mill, George M'Artney of Blaiket, Gordon of Garrerie, Gordon of Knock-gray, Herron of Little-park, Gordon of Holm, Gordon of Overbar, John M'Naught of Colquhad, Murdoch, alias Laird Murdoch, and John Binning of Dalvennan. The libel and indictment against these persons, is in the common form, murdering the archbishop, though, I dare say, none of them knew any thing of it, burning the king's laws, accession to the rebellion last year, and all of them are absent. Thomas Bogle, and Baird of Dungeon-hill are libelled as the rest, and likewise for attacking major Johnston, which they were entirely free of, and no probation is adduced. None of the witnesses almost depone that they saw them in the rebellion, nor in arms at Hamilton Muir, and I know well several of them were not in the rebellion. Their depositions run, that they saw them with the rebels at Glasgow, Ayr, Wigton, and other places; and severals depone they had no arms. Cannon of Mardrogat is witness against most of the Galloway gentlemen. None of them were present, and, it seems, the judges were not very nice as to probation. The assize is

not particular in the verdict, but find the pannels, in the general, guilty of the crimes libelled. And they are all forfeited, as above.

At most of these diets of the justiciary, I find vast numbers of others, whom I take to be smaller feuars, upon their absence declared fugitives, and it would be endless to set them down; the general fugitive roll shall be insert afterwards, when it comes by order to be published. The smaller heritors, it seems, they had not yet leisure for; and they were left to the mercy of the sequestrators, donators, and the soldiers who were going up and down the country. It is gentlemen of some better fortunes they begin with, and their way was very easy, to forfeit in absence. The managers had some more trouble how to divide their estates, and to whom to make over the gifts of their forfeiture, there were so many putting in their claims, and pleading merit when so much was a dividing.

July 19th, I find another process intended against one, who either had surrendered, or had been taken. Alexander Ross, major in the rebel army last year, is indicted in common form, for being in the rebellion, and at conventicles since. I have no other accounts of this person, but what is in the registers. The advocate adduces his own signed confession, June 10th, bearing that, June 1679, he had been in arms with the rebels, and that he disarmed David Cunningham, one of the king's guards, and took his horse and arms from him at his own house in Monkland, and that he was at Bothwell. The lords sentence him to be hanged at the cross of Edinburgh, September 8th, and forfeit his heritage, goods and gear. But it seems he was insured of his life; for I find, August 7th, they reprieve him to a long day, upon his casting himself upon the king's mercy by a petition, and declaring his willingness to take the oaths and bond, and intercede for a remission to him.

These are all the forfeitures I have noticed this year from the registers; it is possible I may have overlooked some. By written accounts from Galloway, I find that the year after Bothwell, Alexander Hunter of Colquhasben, in the parish of Oldluce in Galloway, who had been at Bothwell, was forfeited, and his estate was given to the countess of Nithsdale, a professed papist, and she and hers possessed it till the year 1689. Another heritor near by him, Alexander Hay of Ardwallen, was forfeited for being at Bothwell, and his lands given to the popish family of Nithsdale. And which was yet a greater severity, Ardwallen's mother, a pious old gentlewoman of about eighty years of age, was imprisoned for mere nonconformity, and not keeping the church; and no other crime could be laid to her charge: yea, she was for some time kept close prisoner in Dumfries tolbooth, to the great danger of her life in her extreme old age. She likewise is forfeited, upon the matter, of all she had; for her annuity and liferent out of the estate was not reserved, but it was wholly given to the family of Nithsdale. I find by these same accounts, that a great many other forfeited estates of presbyterian gentlemen in that country, were gifted to that family. It was indeed low, and Roman catholic, and the duke of York and his creatures were sure to look after their friends. But what a poor pass was the reformation at in Scotland, when religious and pious people's estates were violently taken from them under colour of law, for their refusing to go against their light, and the dictates of their conscience agreeable to scripture, and given to papists and bigotted idolaters! This was one of the steps among others, now very fast taking for the re-introduction of popery, by the door of this slavery, and those arbitrary measures the subjects were under. 1680.

SECTION II.

Of the more general procedure of the council relative to presbyterians this year, the repeal of the third indulgence, and other hardships on them.

HAVING gone through the prosecutions before the criminal court, I come next to give a view of what I meet with in the council registers; what concerns particular sufferers I shall leave to the following section, and confine myself very much here

1680. to what they did that had a more general influence, and give things just in the order they stand in the registers.

The council, January 6th, "grant full power and commission to the earl of Glencairn, lord Ross, general Dalziel, or any fit persons in the army, or others they shall think fit to intrust, for the shires of Ayr, Lanark, Renfrew, and Dumbarton, to use their best and exact diligence to get exact lists of the haill heritors within the said bounds, who were in the rebellion, and witnesses that can prove the same against them, with proofs that they are heritors, and to send in lists to the council or advocate, with power to call before them the sheriffs, stewarts, bailies of regalities, or their deputes, magistrates of burghs, ministers of parishes, or any persons whatsomever they shall be informed can make best discovery of the said rebels or witnesses, with power to examine them upon oath, or not, as they see cause; with power to them, if the witnesses delated refuse to compear, or compearing to declare, to imprison their persons, and put them under caution to compear before the council under reasonable penalties." And all magistrates, &c. are appointed to concur. The like commission is granted to the earl of Queensberry, Sir Robert Dalziel of Glena, and Claverhouse, or any two of them, and such as they shall appoint, for the shires of Dumfries and Wigton, and the stewartry of Kirkcudbright, and Annandale; and the same for the Merse and Teviotdale, to the lairds of Hayning, Meldrum, and Henry Ker of Graden; and March 4th, these get the shires of Berwick and Roxburgh added. January 29th, upon information of several field conventicles in the shire of Monteith, the council grant full power to the earl of Monteith to dissipate them, and apprehend and imprison the preachers till they be brought to a trial. Except Messrs Cargill and Cameron, it was very few presbyterian ministers preached in the fields, while the third indulgence lasted, and I take it to be them who are now in Monteith. March 6th, the council write a letter to Alexander Mackenzie, sheriff-depute of Ross, to suppress conventicles in that shire; the letter is of a singular strain and style, and therefore I give some passages from it. After they have taken notice of the king's care to suppress conventicles, and the favours he has granted to these places infected with them, they observe that the shire of Ross is looked upon as untainted, and add, "yet some bold and presumptuous persons, setting aside all fear of God and respect to their sovereign and his laws, have adventured to intrude themselves in a pretended ministry, and thereby to debauch weak men and silly women, drawing them into those rebellious methods, particularly one Mr Denoon and Mr Hepburn; we cannot expect but you will use all diligence to apprehend them or others, and dissipate their meeting with all severity and diligence." So virulent a style may let us in to guess how violent their actings at this time were. Upon the 12th of March, they write another letter to the earl of Murray upon the same head, and entreat him to use all diligence to preserve the northern shires from this infection. March 12th the council renew their appointment of a committee for public affairs; there had been none since March last year, and nominate the archbishop of St Andrews, marquis of Athole, earl of Murray, bishop of Edinburgh, lord Elphinston, treasurer-depute, register, viscount of Tarbet, Lundin, Mr Maitland, or any three of them to meet at such diets as they think fit, and take effectual courses for suppressing field conventicles, and other disorders, with all the powers former committees had; and that they correspond with the general with power to call the council. That same day being informed that field conventicles abound, especially betwixt the shires of Edinburgh, Berwick, and Peebles, they desire the general to have a squad of guards ready to suppress them.

These field conventicles they are so much alarmed with, as far as I can observe from other papers, were very few, and almost only by Messrs Cargill and Cameron, in remote parts where they were obliged to wander; yet they draw forth a very severe letter from the council to Lauderdale, April 8th, with a proposal for justiciary commissions to be granted, even to single persons who were to be nominated by themselves. I insert it here from the registers.

Edinburgh, April, 8th, 168[0].

" May it please your grace,

" Notwithstanding of his majesty's indemnities and indulgences granted to the fanatics here, they are running out again to field conventicles, in several places of the kingdom, which his majesty's laws construct to be rendezvouses of rebellion, and which have been found in experience since these acts, to be themselves actual rebellion, those armies which rose in the years 1666 and 1679, being only running and continued field conventicles; as also we find that very many of those who were at Bothwell bridge, have refused to take the bond for living peaceably, notwithstanding of his majesty's repeated offers for securing their life upon that condition, and that those who have taken the bond do actually run to field conventicles, and do thereby forfeit the act of indemnity, which was granted to them upon so easy a condition, as the not going to field conventicles; and therefore though we be very far from all cruel designs, yet our respect to his majesty's laws, our desire to secure the government, and the hopes we justly have, that just severity against some of these rebels will procure peace to his majesty's good subjects, have prevailed with us to offer our opinion to his majesty, that commissions of justiciary may be granted for punishing of them, since his majesty's justice court at Edinburgh sits not in time of vacance, and when they sit the next session, they will have no time for such pursuits, because of processes already depending before them, against such heritors and ministers as were at the rebellion, and such as were absent from the host. The vanity likewise of bearing a testimony at Edinburgh, and the numbers of these who keep them up and assist them in those foolish humours there, do make processes and punishment less effectual at Edinburgh than elsewhere. We have therefore sent inclosed the draught of two several commissions, some articles to the general drawn forth of the exceptions contained in his majesty's act of indemnity, to be considered by his majesty; and his majesty's resolutions shall be humbly acquiesced in, and obeyed by your grace's affectionate friends. 1680.

" Alexander Glasguensis,
Douglas,
Murray,
Linlithgow,
Elphinston,
Ross,
Charles Maitland,
Thomas Murray,
George Mackenzie,
Thomas Wallace,
James Foulis."

The copy of the commission of justiciary, and commission for trying of field conventicles and other disorders are inserted below.* The letter mentions likewise the

* *Two Commissions, April 8th,* 1680.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: To all and sundry our lieges and subjects whom it effeirs, greeting. Forasmuch as we, by our gracious act of indemnity of the 27th of July last, did indemnify, remit, and pardon all such as were guilty of field conventicles, all such as were in the rebellion in the year 1666, or in the late rebellion, in the year 1679. Which indemnity contains divers exceptions; and particularly, that these who were in the rebellion should, within the space therein expressed, enact themselves never to carry arms against us, or our authority; and with express condition, that if ever they should be at any field conventicles, or should do any violence to our orthodox clergy, our said indemnity should not be useful to such transgressors any manner of way, as in the said act, at more length, is contained. And whereas we are informed, that, since the granting of our said indemnity, divers persons who were in the rebellion, and did not enact themselves in manner foresaid, and others who have enacted themselves, have, notwithstanding thereof been present at field conventicles, whereby they have forfeited the benefit of our indemnity, and deserve to be exemplarily punished; and considering, that, by the great throng of affairs now in dependence before our justice court at Edinburgh, the said persons cannot be so soon and readily brought to a trial; we therefore, with advice of our privy council, do hereby make and constitute our justices in that part, to the effect underwritten, with power to them, or any of them, to call before them any person or persons apprehended, or that shall be apprehended within for being at any field conventicles, who were in the late rebellion, and did not take the bond within the time limited to that effect, or, having taken the bond, have forfeited our indemnity by being present at any field conventicles; as also any person or persons who, albeit they were not in the rebellion, are taken, or shall be taken, at a field conventicle in arms, excepting only such heritors who are to be forfeited in the justice court at Edinburgh, and to put the said persons to the trial and knowledge of an assize, and according as they

1680. draught of some articles for the general extracted from the exceptions in the indemnity; these follow in the registers, and deserve a room here. They have this remarkable title.

Articles anent those persons understood to be the king's enemies, mentioned, &c.

"The persons understood to be the king's enemies and to be attacked by the king's forces wherever they can be found, and imprisoned till they be brought to justice, or to be killed in case of resistance of the king's forces, are, 1. All such as are forfeited by the parliament, or criminal court. 2. All heritors and ministers, who have been in the late rebellion. 3. All heritors who have contributed by levying of men or money to the late rebellion. 4. All others who were in the rebellion, who have not accepted of the benefit of the king's indemnity, by taking the bond. 5. All such as have been in the rebellion, and have taken the bond, and yet have been at field conventicles since the twenty-seventh of July last. 6. All such as have been in the rebellion, and have taken the bond, and yet have done violence to the orthodox clergy. 7. All such as are guilty of assassinations, especially of the murder of the late archbishop of St Andrews. 8. All such as shall be found at field conventicles in arms.

---

shall be found innocent or guilty, that they cause justice be administrate upon them, conform to the laws of this our realm; and for that effect to fence and hold courts, create sergeants, dempsters, and other members of court needful, to call assizes and witnesses as oft as need is, absents to amerciate, unlaws and amerciaments to uplift and enact, and this our commission to continue and endure until . It is hereby declared, that this our commission shall be good and valid to the effect foresaid, notwithstanding the persons to be judged are guilty of acts of treason and rebellion, and that the same shall no ways be prejudicial to any right, power, or privilege of jurisdiction competent to our justices, sheriffs, stewarts, and other judges, as accords of the law.

Edinburgh, *eodem die & anno.*

Tenor of the commission for proceeding against persons guilty of field conventicles, and other disorders mentioned in the said letter.

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith: to all and sundry our lieges and subjects whom it effeirs, greeting. Forasmuch as we, by our gracious proclamation of the 29th of June last, having signified our desire to reclaim such of our subjects as have been misled by ignorance or blind zeal, did, conform to the power reserved to us by the first act of the second session of our second parliament, suspend the execution of all laws against such as frequent house conventicles within the bounds and upon the limitations therein expressed, and ordained, that all such as should be suffered to preach, by our indulgence, to have their names given in, and surety found to our council for their peaceable behaviour; and, by another proclamation of the 13th of November last, as we declared that we would have all the acts of our grace and mercy made effectual in the most favourable sense to all for whom the same was intended, so we would not permit any to preach by virtue of the indulgence or connivance contained in our said proclamation, unless their names were given in, and caution found, as aforesaid, but would look upon and esteem them, and such as should resort to their irregular meetings, as persons disaffected to our authority, and contemners of our grace and clemency, and proceed against them in the utmost severity of law. And whereas we are informed that, in divers places of the kingdom, several outed ministers take upon them to preach without having their names given in to our council, or caution found for their peaceable behaviour; and some of them have proceeded to that height, as again to preach in the fields, in great contempt of our authority and gracious proclamations; and to the effect these disorderly persons, both preachers and hearers of them, may be brought to justice and suffer condign punishment according to our laws, we with advice of our privy council, do hereby give and grant full power, authority, and commission to our justices of peace within the shire of or any of them, to put in execution the several laws and acts of parliament made against field conventicles, and disorderly baptisms and marriages, and particularly the fifth and sixth acts of the second session of our second parliament, and, to that effect, to call before them the persons, within the said shire, guilty of the contravening thereof, since our late gracious act of indemnity, or that shall happen hereafter to contravene the same, at such times and places as they shall think expedient, create clerks and other members of court needful, to issue forth precepts and citations against the persons guilty, probation to receive and adduce, decreets and sentences to pronounce, and the same to due execution cause be put, by precepts and charges thereupon, poynding and other diligence, according to law: and for their encouragement in the said service, to uplift and apply the said fines for defraying their own and the charges and expenses of the court, and this our commission to continue and endure . And it is hereby declared, that this commission, power, and jurisdiction therein granted, is cumulative, and not privative of the sheriff of the shire, or other judges within the same, their power and jurisdiction, but that they may proceed, and try, and judge in the cases foresaid, if they shall prevene the said commissioners in diligence, by prior citations and sentences.

9. All such as are denounced rebels for being at the rebellion before the circuit court, since the act of indemnity. 10. All resetters of rebels, or persons declared fugitives for rebellion, and such as have reset the murderers of the archbishop of St Andrews. 11. These who being found at field conventicles, and refusing to be taken by the king's forces, and make resistance."

These proposals and severe orders need no commentary; they were cheerfully gone into at London, as we shall hear, if once I had taken notice of another oppressive proposal made by the council, in a letter to the king, May 6th, about garrisons. The letter itself follows.

"Edinburgh, May 6th.

"May it please your sacred majesty,—Your majesty's forces being for the security of your government to march through such places of the kingdom as shall be thought fit, it has been proposed to us, that in order to the defence of the western shires, during the absence of your forces, some places be garrisoned to prevent the surprising of such as are to be left behind, and to the end that the motions of such as are to be employed for your service in those shires on particular occasions, may not be known or divulged, as they ordinarily are when any of your forces are to march out of towns or open quarters, the places fit for such garrisons being Greenlaw, and Balgregan in Galloway, Newton near Ayr, Balquhan in Carrick, the house of Dean near Kilmarnock, these three being in the shire of Ayr, and the castle of Strathaven or Evandale in Lanarkshire: we thought it therefore our duty to remit the expedient to your royal majesty's consideration, that your pleasure may be known, and your authority interposed, to which we shall give ready obedience; and since several lands have fallen in your majesty's hands, by the forfeiture of those who have been in the late rebellion, we humbly move that your majesty may give order, that no gifts of any of these forfeitures pass in your exchequer, and that none of your seals be appended to any such gifts, but with express reservation to your majesty of the manion-houses, castles, towers, or fortalices standing upon the said lands, to which the donators shall be only heritable keepers, and upon express condition that it shall be lawful to your majesty to make forts or citadels upon any of the said lands, according as you and your royal successors shall think fit, at any time hereafter. We are your majesty's most humble, most faithful, and most obedient subjects and servants," &c. 1680.

June 3d, the council receive the king's answer as to both those letters, dated May 20th, which I need not insert, since it is just an approbation of every thing proposed in the very terms of their letters. He thanks them for their care, orders them to fill up the blanks in the commissions with fit persons, and appoints them to give timeous warning to the owners of the houses, where the garrisons are to be.

The next remarkable thing that offers, is the overturning the short-lived third indulgence; and when the managers are going on so severely against presbyterians, we can expect nothing less. These favours were still very displeasing to the prelates, and I doubt not but earnest application was made to the court to be rid of this. Accordingly, June 10th, the council receive the following letter from the king.

Windsor-castle, May 14th.

"Charles R.—Right trusty, &c. We greet you well. Forasmuch as by our proclamation of the 29th of June last past, we did, from our tender desire to reclaim such of our subjects, as have been misled by ignorance or blind zeal, suspend the execution of all laws against all such as frequent house-conventicles within the bounds, and upon the limitations therein expressed, ordaining all such as should be licensed to preach by our indulgence, to find surety to you for their peaceable behaviour; by which unparalleled clemency and tenderness (after a total suppression of the late rebellion) we might reasonably have expected that their minds being eased, they should have been brought to a meek and quiet submission to our government, and humble obedience to our laws: yet notwithstanding of all their insolencies, mur-

1680. ders and treasons, and our gracious indemnities and indulgencies, such is the perverseness of that schismatical and rebellious generation, that they in contempt of our greatest condescensions and favours, continue to run out to field-conventicles in several parts of that our kingdom, which, as our laws have declared, so in experience have they been found to be the rendezvouses of rebellion; their insurrections against us and our authority, in the years 1666 and 1679, have been nothing else, save so many running and continued field-conventicles, and, by force and violence, to oppose the legal settlement of regular ministers, beating, stoning, and wounding them in a most savage and barbarous manner, and to invade the pulpits of orthodox ministers, preaching and baptizing in avowed conventicles, in our capital city of Edinburgh. By all which insupportable and unnecessary provocations, they having notoriously forfeited our favour and indulgence, none could judge it severity, to maintain our authority and laws by such effectual courses, as should ruin that unsatisfiable and ungovernable tribe and faction: yet, being willing to evidence unto all the world, our earnest desire to reduce them to quiet and obedience, by mild and gentle methods, or to render them utterly inexcusable, we do resolve for some time to continue that our indulgence unto them, during our royal pleasure, if peradventure we may yet find any good effects produced thereby upon them; only, for your better dispensing and regulating thereof (lest the gangrene spread too far) we have thought fit to send you the inclosed instructions (of the date of these presents) to which we expect your ready and exact compliance. And, as we cannot but approve your appointing of such non-conform ministers, as shall be licensed by you, to appear at your bar to receive their warrants, so we are very well pleased with your late procedure against Gilbert Rule (a non-conformist minister) whom you have sent a prisoner to the Bass, for his insolent usurping a pulpit in our city of Edinburgh. And at this time, as upon all occasions, we cannot but express our firm resolution to maintain and inviolably preserve the sacred order of episcopacy, to the subversion whereof nothing tends more, than the contempt too frequently and injuriously thrown upon our bishops: therefore, we do heartily recommend unto you, as your best service unto us, your countenancing, and encouraging, and supporting of them, in their persons, credit, and authority, the lessening whereof we do justly esteem a weakening of our government. We must also recommend our orderly and orthodox presbyters, to your care and protection, and that you particularly require and command all magistrates, in their several jurisdictions, to own and assist them in the exercise of discipline, against scandalous offenders, and in all the other parts of their function, which we will take as very acceptable service done unto us. And so we bid you heartily farewell. Given at our court at Windsor castle, the 14th day of May 1680, and of our reign the 32d year.

"By his majesty's command,

"LAUDERDALE."

The instructions mentioned in this letter likewise follow from the registers.

"CHARLES R.

"*Instructions to our privy council of our ancient kingdom of Scotland, for regulating the indulgence.*

"1st. You are not to suffer any non-conformist to preach, who is banished out of any parish or corporation in England, nor any who, since the last indemnity, hath preached at such meetings, as in construction of law are field conventicles, or who, since that time, have preached in places or cities which are excepted in our proclamation of the 29th June last past. You are not to license any to preach, who cannot verify his ordination to be antecedent to the said 29th June last past. As you are to suffer none to preach at house meetings who are not licensed by you, or do not appear at your bar to receive your license, so you must license none to preach in any of the shires on the north side of the river Tay, but are strictly to put our laws in execution against all such delinquents. And further, you are carefully to cause all such

meeting-houses as are or have been erected without your warrant, for preachers unlicensed by you to serve therein, to be pulled down.

"2ndly. You are to allow no house conventicles, nor meeting-houses to be set up for any nonconform preacher, at any nearer distance than of a mile, to any parish church where a regular incumbent serves; and if any such be erected already within a lesser distance, as particularly at Newbottle, you are to cause pull them down immediately.

"3dly. You are to grant license to none of the nonconform preachers, to be settled or exercise any part of the ministry, in that parish whereof he was formerly minister, lest, upon the pretence of an indissoluble relation of that people to their old minister, they totally abandon their orthodox and orderly pastor, settled by law amongst them.

"4thly. You are to take care to restrain such nonconform preachers as you license, from preaching in any other parish; than in that to which they are indulged, and from baptizing the children of any save those of the congregations for which they are licensed. And seeing, by our laws, the jurisdiction of the church is to be managed by our bishops, and those commissionated by them, you are to restrain those nonconformists from exercising of church discipline; and for avoiding of confusion in the records of marriages, we do require you to inhibit and restrain them from marrying any persons, we being resolved to leave the discipline and marryings of people, entirely to the respective regular ministers, to whose parishes the persons concerned do belong; and you are to esteem the breach of any part of this fourth article, an unpeaceable behaviour, by which their sureties are to forfeit their bonds, if they continue after intimation.

"5thly. You are to take special care not to license any nonconform preacher in any parish, where the generality, the chief and intelligent persons, are regular and orderly, since we do not intend to break or divide orderly parishes, to gratify a few inconsiderable, ignorant, and factious people.

"6thly. You are most exemplarily to punish such indulged or nonconform preachers, as shall be found to keep classical meetings in pretended presbyteries or synods, these being the grand nurseries of schism and sedition, wherein usually they usurp the power of discipline, and privately try, license, and ordain schismatical preachers, and keep up ill correspondences, to the endangering of our government. 1680.

"7thly. You are carefully to put in execution your acts for removing the families of irregular outed ministers, out of the cities of Edinburgh, St Andrews, and Glasgow, these being usually the resorts of disaffected persons, and the secret nurseries of schism and trouble.

"8thly, And in regard, by our proclamation of the 29th day of June last past, we have declared our firm resolution, not to suffer the chief seat of our government, to be pestered with irregularities, and therefore would not allow any nonconform preacher to be licensed to preach in our city of Edinburgh, nor within two miles round about it: and now having found by experience, that this distance is not sufficient to preserve that our city from the danger of infection, by reason that the citizens and others flock out in multitudes to those irregular meetings, when they are kept at nearer distances, whereby the city is still in hazard to be corrupted in its religion and loyalty: we do therefore require you to license none of these nonconform preachers, to preach in our said city, nor within twelve miles distance therefrom, and if any such be already licensed by you in any parish nearer than twelve miles to Edinburgh, you are immediately to withdraw your license, and to cause shut up the meeting house, and to order the preacher so licensed to preach no more within the distance aforesaid.

"9thly. And seeing we are informed, that the regular ministers in Galloway, and some other western places, are exposed to great danger, from the fury of some blind zealots among whom they serve, and that even the necessaries of life, and the help of servants and mechanics are denied unto them for their money, you are, in a most particular manner to consider their present

1680. case, and to consult their protection, and the security of their persons in the best manner, and to see that the sheriffs, justices, and other magistrates be careful to have them defended and secured in their persons and goods, and the necessaries for living furnished and supplied unto them at the usual and ordinary rates of the country, to the end they may be effectually relieved, and that our ancient kingdom may be vindicated from any just imputation of so great and barbarous inhumanity. Given at our court at Windsor castle, the 14th day of May 1680, and of our reign the 32d year.

"By his majesty's command,

"LAUDERDALE."

The reader will easily perceive that these instructions are a material repeal of the indulgence. Many of them are flat contradictions to the king's letter, July 11th, 1679, and all of them are contrived to clog presbyterian ministers and people; and the council very soon begin to bear hard upon them. That very same day, they recall Mr George Johnston's license at Newbottle, and order one of the macers to intimate so much to him, and order the sheriff of Edinburgh to demolish the meeting house, and see that no meeting be kept there next Lord's day. June 15th, the lord Halton reports it was done, and the timber and seats were sold at ten pounds sterling, a hundred pounds Scots of which he gave to the poor of the parish, and the rest to the persons employed in executing the orders. June 17th, the council return an account of their diligence, in a letter to the king, which follows.

"Edinburgh, June 17th, 1680.

"May it please your sacred majesty,

"The grief arising from the dissolute looseness of such as abstract themselves from public ordinances, and the fears we had of your majesty's subjects being seduced and abused by preachers, whose principles, as to your government, we had so just reason to suspect, are much lessened by the care we find your majesty takes of our condition, and particularly by your majesty's late letter, regulating the late indulgence, which, in its former latitude, produced such insufferable disorders; and having appointed a committee, and considered seriously that report, upon which they had taken so much pains, we have approved what was offered by them for effectuating your majesty's commands, and have already demolished one of these meeting houses, and sent orders for restraining others: and in all things which may maintain the present government of the church, that great support of monarchy, and necessary fence of our safety and quiet, as to al other things relating to your royal government, your majesty may expect cordial endeavours of,

"May it please your sacred majesty,

"Your majesty's most faithful, most humble, and most obedient subjects and servants,

"ALEXANDER ST ANDREWS,
ATHOLE,
DOUGLAS,
MARISHAL,
BALCARRAS,
CAITHNESS,
JO. EDINBURGEN,
ELPHINSTON,
JA. DALRYMPLE,
CHAR. MAITLAND,
R. MAITLAND,
JAM. FOWLIS,
GEO. MACKENZIE,
WAUCHOP,
GEO. GORDON."

To make good their professions as to the church, they, at the same time, discharge meeting houses in most places where they were allowed, as coming under the above regulations. "The earl of Wigton is ordered to demolish the meeting house in Kilpatrick, as being within a mile of the kirk. The same orders are given to others, as to these in the parishes of Longtoun, Prestonhaugh, Orwell, Ceres; and the meeting houses in Newburn, Stenton, and Kinneuchar, (Kilconquhar,) are to be shut up, as not licensed. And, July 24th, the magistrates of Glasgow are ordered, in pursuance of the foresaid regulations, forthwith to turn all nonconformist preachers out of town, and suffer none of them to live within a mile of them." Those orders brought many worthy persons to no small difficulties. August 4th, another committee for public affairs is nominate, the archbishop of St Andrews, the earl of Linlithgow,

bishop of Edinburgh, president, Collington, Lundin, Niddry, with the officers of state or any three of them, with the former powers.

The former endeavours for discovering those concerned in Bothwell, are enforced with new orders. August 10th, letters are writ to the sheriffs of Fife, Lanark, Ayr, Wigton, and Stirling. "The council understanding there are divers persons lurking in your shire, who were in the rebellion, and are reset, do require you to inquire thereinto, and appoint persons in the several parishes, and do every thing for that effect, and to send in a list of them, their resetters, and witnesses, to the advocate, betwixt and October." At that same diet they came to the following resolution. "The lords of council have thought fit, for inquiring into the disorders of the western shires, preventing inconveniences, and to the end it may be known who can prove against the rebels and their resetters, and that neither the guilty may escape, nor the innocent be brought to trouble, hereby to grant full power and authority to general Dalziel, the marquis of Montrose, earls of Mar, Glencairn, Linlithgow, Airly, and Dundonald, Lord Ross, or any three of them, to cite before them, or apprehend and take the depositions upon oath, of all such persons as they shall think fit to adduce as witnesses against persons guilty of disorders in the western shires, and to transmit their opinion to the council, anent such as may be proving witnesses; and to send prisoners to Edinburgh, such as appear to have been in the rebellion, and are not comprehended in the indemnity, and their resetters; and to take caution of the witnesses to compear at a certain day, and to transmit the names of heritors and witnesses to the council. The general is to convene them, and this commission is to continue till repealed." The reader will observe what vast pains the council are at, and how many various and repeated commissions are granted against those who had been in the rising.

By a letter from the king, dated September 3d, the council are required to enlarge the indemnity to the commons who had been at Bothwell, and allow them to the 1st of March next, to come in and take the bond, still excepting heritors, ministers, ringleaders, and such as have had accession to the murder of the archbishop, or their resetters. By the same letter, the earl of Hume's troop of horse is given to the master of Ross. October 7th, the council publish a proclamation, as above, which needs not be insert. That same day, the advocate is warranted "to raise processes of treason before the justices, against heritors, ministers, or ringleaders who were in the rebellion, notwithstanding they have been formerly convened, and the diet deserted by that court." This seems to be very unjust and hard. December 16th, they order a garrison to be placed in the house of Kenmuir, and the viscount is to be acquainted thereof: it is to consist of 30 horsemen. As many are ordered to the castle of Dumfries; and another garrison is appointed at the house of Freugh, in the shire of Wigton. At the same time, upon information of Mr John Cameron's death, who had been indulged at Campbelton, Mr Robert Duncanson, indulged and confined at Kilchrenan, is removed, and confined at Campbelton. This was, no doubt, by the procurement of the earl of Argyle. This is what I find in the council books this year, relative to presbyterians in the general. Some of their procedure with particular persons falls in, 1680.

SECT. III.

Of the persecution up and down the country, from the donators, by courts, and otherwise; and the hardships noblemen, gentlemen, ministers, and others underwent for nonconformity this year.

In the former sections we have had the treatment of presbyterian gentlemen and others, for their alleged share in the rising last year, with some view of the council's procedure. The persecution began now to extend itself very generally through the west and south; yea, the body of presbyterians who were not concerned in Bothwell, and many ministers whose preaching in the fields was now pardoned in the indemnity, and had not been at Bothwell, were

1680. attacked upon their nonconformity this year; many of them were sore harassed, and some forced to a kind of voluntary banishment.

To begin with the more general accounts; such who did not compear before the circuits last year were all declared fugitive, and great numbers were added to that roll by the justice court at Edinburgh this year. The fugitives were to be apprehended wherever they were found, and their lands, goods, and moveables, were all confiscate, and given to such as had been, and would be further active in the persecution, and they made them over again to donators. Claverhouse had the gift of what belonged to the fugitives in Nithsdale, and other places in the south, and he constitute his brother, and another of his name his donators. Accordingly March and April this year, they came with parties of soldiers, and run through every parish in that country; and as they fell foul upon all nonconformists, so in a special manner, the houses and possessions of such as were fugitives, whether at Bothwell or not, were rifled, or great sums exacted from their relations. Those donators there, and in other places, were most severe in prosecuting their gifts. Generally speaking, they were vicious profane men, of broken fortunes, who had nothing, and were still spending, and always craving. None of the persons, now by law fugitives, ventured to appear, but wandered in hardships which cannot be represented, but their families and means were almost ruined. Transactions were frequently made by their friends, and a great deal of money raised that way, and sometimes the master of the ground transacted for the fugitive tenant: in these cases the friend or master received a discharge from the donators or their assignees, for what they paid, and an assignation to all they had. And as this was in some places a little ease to the fugitives, who had masters not altogether so cruel and violent, so in most cases it was a terrible handle to the more rigid, who fell in with the severities of this period, to harass the poor people and their friends; and this is another branch of the persecution of this time, which, though very universal, yet scarce any account can be given of it: and when neither friends nor masters made composition with the donators and their agents, it was usual for them, after they had rifled all they could reach, to make assignations of the moveables of the fugitives unto any of their neighbours, who were malicious, and willing to have a share in the spoil, for very small sums of money; and this was a ground good enough in this time for every ruffian who pleased to accept, to spoil and vex these poor families. It is plain, particular accounts of the spoils and oppressions committed for many years under all these shapes, cannot be given. But the reader must further observe, that when these transactions were made, the denunciation was not taken off the fugitive persons, until they themselves came in and owned the rising at Bothwell to be rebellion, and engaged not to frequent field meetings, and never to bear arms against the king, or any authorized by him, and even upon this no restitution was to be expected. Some few indeed here and there did come under these engagements, but the donators and soldiers were not fond of such submissions, and took many ways to prevent them; and where they were made, they proved matter of very little ease or satisfaction to the persons complying: for whenever any alleged to have been at Bothwell, were taken, or any gentleman came in absence to be forfeited, none were found so proper to be cited as witnesses against them, as the people who made their submission; and if they refused to depone, they were afresh persecuted, as much as ever; and it was upon some of their depositions mostly that great numbers were banished, forfeited in absence, and put to death, this and the succeeding years. Thus all handles were taken hold of to persecute such who had been in the rising, with the utmost violence, and what by one mean or another few or none of them escaped, and multitudes were involved with them, and all who had the name of presbyterians were attacked as far as possible.

I find likewise the same gentleman had a commission from the council, to uplift the

moveables of all such in the shire and stewartry of Galloway, as had been at Bothwell, or were fugitate. His brother cornet Graham, was employed by him; and by himself or some deputed by him, he went through every parish there, and prosecuted his business with the utmost severity. It was by this commission granted to Claverhouse and his assignees, as we have seen, courts were held this year by cornet Graham in the south, and inquiry was made into all the branches of nonconformity, as well as queries put with relation to Bothwell. There was a court held at New Galloway by the cornet, at which all betwixt sixty and sixteen were charged to appear, under the severest penalties, and declare upon oath how many conventicles they had been at, who preached, and whom they knew present, what children were baptized, &c. This was unreasonable, illegal, and a heavy temptation to perjury. Unreasonable it was to make people declare against themselves, illegal since our law, and all laws of God and men require pursuers to have witnesses; and if upon their deposition they were to be made free from further trouble by the matter's being referred to them, which I very much question, and I know it was not so with many in matter of fact, it was a great temptation to common people to swear themselves free. Probably these courts were held in the rest of the parishes in that country, though I have not seen particular accounts of them; but this same year I find Mr Thomas Gordon, clerk to the justice court, and cornet Graham, keeping a court at Dumfries. To this all the country about were cited, under the penalty of a hundred merks for noncompearance; all who came were put to declare upon oath, what they knew of their neighbours, which of them had heard presbyterian ministers, or conversed with, and reset such who did, and other questions of this nature. Let me remark once for all, that the fines for noncompearance at these, and the following courts in after years, turned to be as great an occasion of trouble and persecution to the country, as almost Bothwell itself. Vast numbers, every court day, were decerned to have forfeited their fine, and these were gifted to the soldiers, informers, or some rascally people in every parish, who were ready to accept of them; and pointing, and all manner of rigour followed to the ruin of many families; and yet, in this road, providence brought about spiritual advantage to not a few. By this civil oppression they were forced to wander, and fell in with religious and pious persons in their hidings, and by their company and converse, they got much good to their souls. 1680.

So much for the more general harassing of the country, upon the score of Bothwell, and nonconformity; I come now to give some particular steps of their severities against ministers, gentlemen, and others who had not been at Bothwell, mostly for conventicles, and other branches of nonconformity.

Towards the end of the last year, many ministers and gentlemen were put to trouble for conventicles, and accession to the rebellion, and upon citation, came to Edinburgh to clear themselves, as to their innocence: several were imprisoned, and, I find, in December, Mr Archibald Riddel, brother to the laird of Riddel, and many particular gentlemen, give in petitions to the justiciary, showing how wrongously they are imprisoned, and how desirous they are to be tried, for their accession to the rebellion: The diet is deserted against them, and they are liberate.

This year the violence of the enemies of the presbyterians began to show itself, in places where they acted without control. Thus, by some attested accounts from the town of Dundee, I find, that from the year 1680, to the year 1687, when the liberty was granted, no family was permitted to live in that town, but such as constantly heard the episcopal ministers. And the same year, William Mitchel, John Davidson, John Sterrock, Elizabeth White, and several others were forced to leave the town, merely because they were of presbyterian principles. But I shall add some particular instances from the registers. February 10th, the council order Claverhouse to bring from the tolbooth of Dunbar, Lennox, brother to Barnshogle; the magistrates of Edinburgh are ordered to receive him. I find

1680. no more about him in the registers.

The case of the lord Cardross comes before the council, February 12th. We left him in prison for conscience' sake, and nonconformity. He continued much in the castle of Edinburgh, till last year in July, when favours were shown to sir Patrick Hume and others, as we heard, my lord had as much reason as any, to look for relief, having been under a tract of four years' hardships. But upon his application, all he got, was a letter to the council, July 22d, 1679, bearing, "That it was his majesty's pleasure, that my lord Cardross, upon paying his fine, and not otherwise, may be set at liberty." Upon this, the council, July 31st, "grant warrant to the laird of Lundin, governor of the castle of Edinburgh, to set the lord Cardross at liberty, upon payment to sir William Sharp his majesty's cash-keeper of the sums wherein the said lord was fined, by decreets of privy council." My lord accordingly gave bond, and got out of prison. However, being outlawed, merely for not paying his fine, his lordship's simple and liferent escheat was fallen into the king's hands. In a little time he went up to London; and there, in February, he presented the following petition to the king, February 5th, as the original copy before me bears.

"To the king's most excellent majesty, the humble petition of Henry lord Cardross, showeth, That your petitioner being outlawed for not payment of his fines, his simple and liferent escheat is thereby fallen in your majesty's hands; and that now the earl of Mar, and sir Charles Erskine of Alva, having given bond to your majesty's cash-keeper for the said fines, and the petitioner discharged and acquitted thereof: the petitioner therefore is very confident, your majesty will now grant a gift of his escheats fallen in your hands, for not payment of his fines, to the earl of Mar, which hath no relation nor dependence on Mr Maitland's gift, granted upon another horning; and by the duke of Lauderdale's opinion to your majesty, you may grant several gifts of the same escheat. And if the petitioner shall not obtain a gift of his escheat from your majesty, till the returns from Scotland, then it cannot be expede before the first of June, in which time he may suffer great prejudice in his affairs by that delay: and that it is well known what sufferings the petitioner's father and family have undergone, for their loyalty to your majesty and your royal father, as may fully appear by the annexed paper.

"May it therefore please your sacred majesty, to grant a gift of the petitioner's simple and liferent escheat to the earl of Mar.

"And your majesty's petitioner (as in duty bound) shall ever pray," &c.

With this he presented a paper, intituled, a short account of his sufferings, which, as a new document of the ingratitude of this period, as well as containing his present case in short, I likewise add here.

A short account of the Lord Cardross's sufferings.

"In the year 1616, the late lord Cardross was (not to mention the faithful services done for many ages past to his majesty's royal ancesters, by the lords Erskine, and earls of Mar, from whom the lord Cardross is descended) one of a few peers, who dissented from the delivery up of the late king, to the English army at Newcastle. He was a promoter of the engagement 1648, for which he was fined in about one thousand pounds sterling, and debarred the parliament 1649. He lost by his engagements for his uncle Arthur Erskine of Scotscraig, (who lost his life, and spent his estate in his majesty's service,) at least to the value of two or three thousand pounds sterling. During the late trouble, his house of Cardross was seized on, and to the value at least of a thousand pounds sterling, taken out of it. When the now king's army lay at Stirling, his whole estate about Cardross was wasted, it being so near to the army, and the only considerable pass upon the river of Forth thereabout. His house of Cardross, immediately after the English coming to Scotland, was garrisoned by them, and continued so for eight years, whereby the house and gardens were all quite destroyed. Sir Lewis Stu-

art, grandfather to my lady Cardross, (for whose hearing of her own chaplain preach in her own house, my lord Cardross her husband was lately fined in considerable sums of money,) was of untainted loyalty, and in 1644, was forced to lend to the then parliament, about seven hundred pounds sterling, for which Lauderdale, amongst others, obliged himself upon the public account. This sum is yet unpaid, and now interest being accumulate, will extend to about two thousand and five hundred pounds sterling. Upon the usurper's coming to Scotland, Sir James Stuart, father to my lady Cardross, by whose entail and destinations he possesses his estate, and against which the king declares, in the gift of escheat, to the duke of Lauderdale's brother's son, he will assist him, was fined in a thousand pounds sterling, and his house of Kirkhill garrisoned, to his great prejudice. For all which losses the lord Cardross and his lady's families have never yet been considered. But on the contrary, through the misrepresentation of some, the now lord Cardross was (for his lady's hearing her own chaplain preach in her own house) fined in considerable sums, whereof he hath paid a thousand pounds sterling, besides his about six months' attendance at court, for procuring a discharge of the overplus of his fines, and imprisoned during his majesty's pleasure in the castle of Edinburgh, where he continued four years, and at the same time his house of Cardross (immediately after it was repaired) was garrisoned, to his great hurt and prejudice. And in June last, the king's forces in their march to the west, (the day before the duke of Buccleugh came to them) went about two miles out of their road, that they might quarter on the lord Cardross's estate of Kirkhill, where in one night they took from, and prejudiced him and his tenants, to the value at least of five hundred pounds sterling, albeit there was hardly one presbyterian on all that land. And now after all, the duke of Lauderdale hath procured from his majesty, a gift of my lord Cardross's liferent escheat in favours of his brother's son, which gift carries the rents of my lord's whole estate during his life."

The duke of Lauderdale had procured the gift of his simple and liferent escheat for Mr Maitland his nephew; 1680. and when this representation of my lord's was like to have some weight, care was taken to transmit a copy of it to the privy council, that they might interpose and stop the king's granting this desire. Accordingly, February 12th, they send a letter to his majesty upon this head, which I have annexed below,* where the reader will observe little of argument, which indeed the case could not bear, strong assertions, and a reference to their own sentence as

* *Letter, Council to the King, anent Lord Cardross, February, 12th* 1680.

Most sacred sovereign,

Having seen a paper presented to your majesty by the lord Cardross, intituled, A short account of his sufferings, in which he represents, among other articles, that he was fined in considerable sums through the misrepresentation of some, for his lady's hearing her chaplain only preach in her own house; which chaplain, we cannot forbear to inform your majesty, was one Mr John King, a person so eminently seditious, that he was one of the prime incendiaries and ringleaders of the late rebellion, and for which treason he was forfeited and executed. To satisfy your majesty, in what was clearly proved against the said lord Cardross, we have sent to you the sentence of council pronounced against him, whereby your majesty will clearly perceive the equity of our procedure, and the unreasonableness of his clamour against us. This being the true state of this affair, in which there was but too much to be said against the lord Cardross, and in which there was more care and pains taken, and endeavours used by the council, than in most cases of that nature (we being only concerned in asserting your royal authority) we humbly conceive, that when your majesty considers the sentence of council pronounced against that lord, you will find how much he hath suppressed the truth, and suggested that which is false, and humbly remit to your majesty's great prudence, what course is fittest for vindicating of your own authority, and for preventing such misrepresentations of us your servants, we being, in all humility,

Your majesty's most humble, most faithful, and most obedient subjects and servants,

Rothes *Chancellor*,	John *Edinburgen*,
Alexander *St Andrews*,	Elphinston,
Douglas,	Ross,
Montrose,	Charles Maitland,
Argyle,	Thomas Murray,
Marishal,	George Mackenzie,
Glencairn,	J. Wallace,
Linlithgow,	James Fowlis,
Wigton,	George Mackenzie,
Strathmore,	G. Gordon,
Queensberry,	G. Kinnaird,
Dundonald,	J. Wauchop.
Caithnes,	

1680. just; with this they send up the deposition of witnesses in his process, which we have already on the matter seen. This excellent person waited for sometime at court, but without success, and continued in this hard state till the revolution.*

We heard before, that the earl of Monteith was ordered by the council to dissipate the conventicles at Monteith; and April 18th, there comes a letter from him, acquainting the council that he had done so, and taken one Arthur Dougal who had been in the rebellion, with some papers upon him. The council write a letter of thanks to the earl, and desire him to send in the prisoner to Edinburgh. Much about the same time Robert Short is ordered to be brought in prisoner, for a violent attempt on the person and house of Mr George Honnyman, minister at Livingstone, and is remitted to the committee for public affairs. Mr Honnyman we shall meet with hereafter, he was very uneasy to the people of that parish, and the great instrument of persecuting them.

A pretty singular instance of a prosecution I find in the council register of acts and decreets, April 8th this year, as to Mr Gilbert Rule, since the revolution the worthy and learned principal of the college of Edinburgh, whose memory is savoury in this church. He was indulged last year in Prestonhaugh, and now must be turned out. This excellent man is libelled before the council, "for his keeping conventicles. and baptizing children without the parish of Prestonhaugh, where he is indulged. And that upon the 1st of April last, he did take upon him to hold and keep a conventicle, within the old kirk of Edinburgh, called St Giles's, at which he did preach, expound scripture, pray, and baptize a child of John Kennedy apothecary, and another of James Livingstone merchant in Edinburgh, and Mr William Livingstone, brother to the said James, and divers other persons were present at the same; as also Mr Archibald Cameron precentor in the high church, and John Neilson merchant and kirk-treasurer of Edinburgh, did so far concur that they were present at the same, and the said John Neilson did give orders to open the said kirk." The council find this proven by the defender's confession, and do suspend him from the benefit of his majesty's indulgence, and send him to the Bass, till further orders from the king about him. John Kennedy is fined in a hundred pounds Scots, James Livingstone in two hundred pounds; the rest are assoilied. This odd passage seems to have been a happy kind of presage of Dr Rule's after public usefulness in that city: this was with the consent of Mr Turner, the episcopal minister of that kirk. I know Mr Kennedy, whose wife was Mr Rule's niece, was a stanch presbyterian singular Christian, and lived to a great age, and got to heaven a few years ago. And I take Mr Livingstone to be son to that great man formerly mentioned, Mr John Livingstone minister at Ancrum. All I have further upon this is, that July

* In consequence of not obtaining redress of his grievances, lord Cardross emigrated to North America, where he established a colony in Carolina, which was destroyed by the Spaniards. Broken, but not dispirited by misfortunes, he returned to Europe, and attaching himself to the friends of liberty in Holland, waited with anxiety for the dawning of a brighter day on their distracted country. He came over with the Prince of Orange to England 1688; raised a regiment of dragoons for the public service 1689, and was an able commander under general Mackay, in subduing the opposition headed by Viscount Dundee. In the parliament 1689, he obtained an act restoring to him his estates and all his other rights and privileges. He was sworn in privy councillor, and constituted general of the mint, but did not long enjoy these favours, as he died of the effects of his sufferings, at Edinburgh, 21st May 1693, in his 44th year. His excellent lady, who survived till 1725, was no doubt consulted by Wodrow in regard to the sufferings of her family. Colonel Erskine of Carnock, the grandfather of the late Dr Erskine of Edinburgh, was not the son, as stated by Sir H. Moncrieff, (Life of Erskine, p. 3.) but the half brother of lord Cardross, being the third son of David second lord Cardross by his second marriage to the youngest daughter of Sir George Bruce of Carnock; it was this David, and not Henry lord Cardross, who refused to consent to the surrender of Charles I. to the English army, as stated by Sir Henry, p. 2. See memorial p. 192. The first lord Cardross was Henry second son of the earl of Marr: he died in 1628. The second was David his son, who died in 1671. The third was Henry, the subject of the above relation. The fourth was David, who succeeded his father in 1693; and became afterwards earl of Buchan: by his lineal desendant, both families are now represented. Wood's Peer. I. p. 273—5.—*Ed.*

23d a petition is presented to the council from Mr Rule, showing, "that for baptizing a child in the old kirk of Edinburgh, though by warrant of Mr Turner minister of the said kirk, he was sent to the prison of Edinburgh, and afterwards to the Bass, and thereby is reduced to a valetudinary condition, therefore praying the council may take his case under consideration." The council appoint him to be set at liberty, under bond of five thousand merks, to depart out of the kingdom within eight days.

This account from the registers confirms the narrative given of Mr Rule, by the learned and laborious Dr Calamy, in his Abridgment of Baxter's Life, vol. ii. p. 517. whose informer has mistaken the time of his being in the Bass, which was some more than three months, an exorbitant punishment for baptizing a child of his own niece, at the desire of the minister of that parish. In the above named excellent collection, the reader will find Mr Rule's sufferings at Alnwick in Northumberland, where he was minister before the Restoration, after he had been a regent at Glasgow, and afterwards sub-principal in the king's college of Aberdeen. Upon the fatal Bartholomew day he was ejected from his charge at Alnwick, and came down to Scotland, where we have seen he was soon brought to trouble, and forced to remove from his native country. Mr Rule went abroad, studied physic, and took his degrees: afterwards he lived some time in Berwick, and was very useful both in preaching, as frequently as he could, and by his great skill in physic, and the particular care he took in making up all his prescriptions. Being called to the Scots side, to visit the Laird of Houndwood's family in trouble, and staying all night, at family worship he expounded the chapter which was read, none being present but the family. This came to be matter of process against the gentleman, who was fined in a hundred merks. While the doctor was at Berwick, the earl of Hume, who commanded a troop of horse in that neighbourhood, formed a design to catch him; of which Dr Calamy gives this account from one who was present. A letter was formed from Mr Ker of Nyne-wells, intreating Dr Rule to come presently to him, with such medicines as were proper for a violent colic, and sent to the doctor at Berwick by a servant of the earl's in the habit of a countryman. The letter was so pressing, that the doctor immediately got himself ready: but when mounting his horse, it pleased the Lord so to touch the heart of the messenger with remorse for this base treachery, that at that instant he disclosed the whole design, and told him his hazard if he went with him, for the earl of Hume, according to concert, was, with a party of horse, ready to seize him at the bound road, as soon as he entered Scotland, that he himself was the earl's servant, who had framed the letter from Mr Ker, with a design to apprehend him. Thus this good man escaped the snare by a singular providence. After his delivery from the Bass, where he was in great hazard of his life by a sickness caused by the sea air, he left Scotland, and in a little time had a call to Dublin, where he preached for some time, and was very useful. 1680.

Towards the end of March, there had been sermon preached in a house in the parish of Pencaitland, where some, it seems, had been without doors: complaint is made of this to the council; and, April 8th, they fine James, David, and George Sinclairs, and John Baptie in Pencaitland, who were present, as guilty of keeping field conventicles, in terms of the act of parliament. Upon the 6th of May, Mr James Ker minister at is libelled before the council, for a field conventicle: upon the 14th of March last, he preached in the house of Grange, in the shire of Roxburgh; it is represented, he had upwards of five hundred hearers, and some of them were without doors. The council ordain Mr Ker to enact himself to keep no more conventicles, under the penalty of five thousand merks. June 4th the council being informed, that Anna Hamilton, Lady Gilkers-cleugh, hath reset in her house John Balfour of Kinloch, and the other murderers of the late archbishop; as also, that James Thomson, tenant in Tankertoun parish, is guilty of the said reset, and was at the rebellion, give warrant to the advocate to process them before the justiciary. If their process be in their registers this year, I have overlooked it.

1680. There had been last year a meeting-house set up in the town of Innerkeithing in Fife, upon the indulgence then granted, and this must now be turned down; the pretext is, that it was not licensed. Some people, at some times, happened to sit without doors, and this in law was constructed as a field-conventicle. Whereupon a process is intented before the council, against the earl of Tweedale, upon whose ground the meeting-house stood, and the magistrates of Innerkeithing July 1st. "Whereas, by the council's proclamation, April 8th, 1669, heritors are made liable for the conventicles kept on their ground, in the shires of Renfrewshire, Ayr, Lanark, &c. and they are to be fined in 50 pounds ster. *totiès quoties*. And the said lords, by their act, April 26th, 1676, extend this through the whole kingdom. Nevertheless, from September, 1679, to May 1680, there have been many conventicles held in the town-barn belonging to the earl of Tweedale, in the town of Innerkeithing, at which Mr Somerwel, Mr William Bell, Mr John Blair, Mr John Anderson, Mr Archibald, Mr John Harroway, outed unlicensed ministers have preached, therefore it is craved, that the earl of Tweedale may be fined in terms of law." The council assoilie the earl of Tweedale, because he produceth a retour, showing, that the barn held burgage of the town, and the process is continued against the magistrates, until July 8th, when the council find them guilty, and fine them in 50 pounds sterling, which they actually paid, and afterwards uplifted from the inhabitants. At the same time, the council being informed that Mr William Row had preached in several places, since September last; that Mr John Gray had preached, with the invitation of the people, in the parish of Orwall, under prospect of getting a license, the council, July 8th, discharge them to preach any more. And Mr George Hamilton, and Mr James Rymer, being cited to compear at this diet, for preaching in several places in Fife, and not compearing, were appointed to be denounced and put to the horn.

September 1st, the following report of the committee for public affairs, is approven by the council. Mr James Ker is appointed to be liberate, upon caution to compear when called, and that he keep no conventicles, on pain of ten thousand merks. Arthur Dougal to be liberate, on caution to compear when called, and that he live regularly, and keep his parish kirk, under pain of five hundred merks. Mr John Dickson, late minister at Rutherglen, being brought in prisoner by some of the guards, is under caution to appear before the council this day. Accordingly, the council order him to be sent to the tolbooth of Edinburgh, and from thence to the Bass; where I know he was prisoner for several years. Mr John Veitch is called before the council, October 5th. After citation he is libelled, that he had preached at Anstruther (perhaps it should be Westruther, where he was minister) without license. He not compearing, is ordered to be denounced, and put to the horn. We shall afterwards hear, that he was taken and kept close prisoner at Edinburgh, about a year's time, under no small hardships. He was allowed neither candle nor fire the whole time; his wife was never allowed to speak to him, but in presence of two or three soldiers. He pressed much to be brought to a trial, but that could not be allowed. The reason of this cruel and unchristian treatment, was, that when the curate died, at the invitation of the people he returned and preached to his own people, from whom he had been violently thrust away. The same day, Fergus Grier in Brigmark, petitions the council, and shows he had now lien five months in prison, and nothing ever was laid to his charge, but his reset of two of his friends, for a night, who had been at Bothwell. The council order him to be liberate upon signing the bond. That same day, the council approve of the report of the committee for public affairs underwritten; that William Panton, prisoner for harbouring Mr Donald Cargil, be liberate, on bond of a thousand pounds, to answer when called. Six persons taken at the bridge of Linlithgow, as coming from a conventicle, and most obstinate, are imprisoned. Upon a letter from the laird of Graden, that he had apprehended Mr Archibald Riddel,

minister, brother to the laird of Riddel, Turnbull of Know, and the laird of Doun, and sent them prisoners to the tolbooth of Jedburgh, till he had the council's mind, they being persons, as he was informed, who were in the rebellion, and frequenters of field conventicles since, they had sent a letter of thanks to Graden, with an order to Meldrum to bring them in prisoners to Edinburgh, and had recommended Graden to the lords of the treasury, for the reward offered by the council's proclamation, for taking Mr Riddel. December 9th, Mr William Bell, imprisoned for a conventicle in Edinburgh, refusing to engage to abstain from conventicles in time to come, is sent to Blackness; and Mr Riddel, when examined before the committee for public affairs, disowns all murderous and bloody principles in Cargill's covenant, but refuses to engage against field conventicles. He is confined to his house and precincts of it, during pleasure, he finding caution to keep his confinement during that time, and never to keep field conventicles, under the pain of 10,000 merks. Thus this worthy minister's case stands in the registers. But it deserves a larger consideration, and I am able to give a distinct account of his treatment before the committee for public affairs, from a narrative under his own hand, communicated to me by his worthy son Dr Riddel, with which I shall end this section.

When Mr Archibald Riddel was returning from Moffat-well, September this year, and riding in company with another person, the laird of Graden met him, and apprehended them both. Mr Riddel had his watch, sword, and some money taken from him, though Graden was married to his near relation, and, as we have seen, was sent to Jedburgh tolbooth, and thence carried into Edinburgh prison, and kept prisoner nine months there. During that time he was twice examined by a committee of council. An account of what passed I shall give from his own notes, written immediately after his return to prison, when what passed was fresh in his memory. All his answers were extemporary, having no copy of questions given him, or time to think upon answers. I insert them at the greater length, that, from them, the reader may gather the temper of this period, and guess at the methods taken with others, of whom I have not so distinct accounts. His first examination was October 1st, this year; and, after Mr Riddel had acknowledged he was the person taken by the laird of Graden, the earl of Linlithgow asked him the reason, why he went out of the way at the time he was apprehended? "*Answer.* My neighbour and I travelling on the way upon the Sabbath, discovered some gentlemen, whom we supposed to be Philiphaugh going to church, and not willing to cross his teeth that day, a little wood being near, we turned into it till he should pass; but it being Graden, he followed us, and made us prisoners. *Linlithgow.* Have you kept any field conventicles since the indemnity? *Ans.* Since that time, my lord, I never preached out of a house. *Lin.* Will you give your oath upon that? *Ans.* My lord, I desire to be forborne as to oaths, which are tender things, and not rashly to be meddled with, or upon every occasion. *Lin.* What ground have we to believe you, if you refuse to give your oath? *Ans.* I have declared upon the word of a gentleman, which I hope may be taken off my hand as sufficient; and if your lordship shall be informed that I have preached out of house since that time, spare not my life; but swearing I dare not meddle with. *Advocate.* Mr Riddel, your answer to my lord Linlithgow was, You have not preached out of a house; but I suppose you are not ignorant, that albeit a minister preach within a house, yet if there be hearers without doors, by the law that is constructed to be a field conventicle: I desire therefore you will positively answer me this question, whether or not, when you preached within a house, was there any hearing you without doors? *Ans.* Indeed, my lord, I cannot deny that. *Adv.* We would not expect any man of such a peaceable disposition as Mr Riddel seems to be, would so far contemn authority, as not to forbear to act contrary to law. *Ans.* My lord, when there do convene more than the house can contain, and I am called to preach to them, dare I either dismiss the assembly without preaching, because the

1680.

1680. house will not hold them, or refuse to preach to them, until all without doors remove? Really, my lord, I durst not do so upon the greatest hazard. *Adv.* It is most unreasonable that every subject should take upon him to judge and determine, at his pleasure, of what is lawful and convenient, and not be determined by the laws of the land. This is so absurd and ridiculous, that it destroys the end of all laws, and makes every man supreme, and to do what he pleases. *Ans.* My lord, it cannot, I suppose, be denied, but that every subject must be allowed to exercise a judgment of discretion, in reference to his own actions: and as your lordship judges that it is the duty of subjects to know the laws of the land, and to practise accordingly, so, since it is certain that the God of heaven hath given laws to all subjects as well as rulers, subjects both may and ought to know these laws; and if I, knowing both God's laws and the laws of the land, find the one contrary to the other, undoubtedly God's laws should have the preference. *Adv.* I think it strange that any should be so absurd as to disturb the peace of a land for such a business, as whether persons should keep within doors or not, in preaching. If we were quarrelling Mr Riddel, for preaching simply, it were somewhat; but to contemn and irritate authority, by preaching to persons without doors, is intolerable. *Ans.* My lord, if there were a full and free liberty for preaching in houses, it is like, the people, in process of time, might so accommodate themselves, that there should be no provoking the magistrate, by any their being without doors; but now, poor people are so dogged and distressed, that preaching can hardly be had in ten miles of way; and when I am called to preach, and scarce a house can be had that will contain thirty or forty persons, and all the rest must be without, shall the people who come ten miles or more to hear sermon, be thrust away as they came? Surely, if I be called to preach at all, I may not decline it in any case. *Adv.* I pose Mr Riddel with this question, if presbyterian government were established, and some ministers were not free to comply with it, as it was in the year 1648, and a law were made, that none without doors should hear them, would you judge it reasonable, that such ministers should, in contempt of law, do as you do? *Ans.* Really, my lord, I cannot see a reason why persons hearing without doors should be a provocation more than within doors; or, if one be at all permitted to preach, that it should offend, when he preaches to persons without. *Adv.* Will you be content to engage not to preach in the fields after this? *Ans.* My lord, excuse me, for I dare not come under any such engagement. *Adv.* This is strange, that Mr Riddel, who has had so much respect to authority, as not to preach in the fields since the indemnity, will not, out of the same respect, be content to engage to carry hereafter, as he declares he has carried heretofore: we are not requiring that he should not preach in houses, albeit to persons without doors, but only that he will not go to the fields and preach. *Ans.* My lord advocate, I can answer somewhat for the time past, but not for the time to come: I have not since the indemnity judged myself under a necessity to preach out of a house, but I know not but he who has called me to preach this while bygone in houses, may before I go out of the world, call me to preach upon tops of mountains, yea, upon the seas; and I dare not come under any engagements to disobey his calls. *Adv.* You can never rightly judge yourself called to preach in the fields, seeing it will be such an open violation and contempt of authority. *Ans.* My lord, I think strange you should be so peremptory in this, seeing there be both some cases at present, wherein such preaching cannot be offended at, as also I know not what revolutions may be, so that they who are most dissatisfied may allow it. *Adv.* What are those cases now? *Ans.* Both conformed and indulged have preached in the fields without offence. *Adv.* When did the indulged preach in the fields? *Ans.* When their churches have been ruinous; or, otherwise they could not conveniently preach in the church, they have done it in the church-yard or elsewhere. *Adv.* In such cases as those, it is not constructed to be against law. *Ans.* But then, my lord, what shall I do with my engage-

ment never to preach in the fields, to know whether it shall be constructed against law or not? your lordship will not allow me to sense, or put a construction upon my engagement myself. *Adv.* If I were of Mr Riddel's principles, and did judge in my conscience, that the laws of the land were contrary to the laws of God, and that I could not conform to them, I would judge it my duty rather to go out of the nation, and live elsewhere, than disturb the peace of the land, by acting contrary to its laws. *Ans.* My lord, if I do any thing contrary to the laws, I am liable to the punishment due by the law. *Adv.* That is not sufficient; a subject that regards the public good of the land, should, for the peace and welfare thereof, either conform to the law, or go out of the land. *Ans.* My lord, I doubt that argument would militate against Christ and his apostles, as much as against us, who both preached and acted otherwise against the laws of the land; and not only did not judge it their duty to go out of the land, but the apostles, in the contrary, reasoned with the rulers, "whether it be better to obey God or man judge ye." *Lin.* Will you promise not to preach in the open fields, with allowance to preach in houses, albeit hearers be without doors? *Ans.* My lord, I am willing rather to undergo what sufferings your lordship will be pleased to inflict upon me, rather than come under such an engagement." The bishop (of Edinburgh, I suppose) spoke next: "My lord Linlithgow, I speak to your lordship, I will not speak to Mr Riddel; for it is like he will not acknowledge me, or speak to me; it is our duty to have respect for him, he is a gentleman, and descended from an ancient and honourable family: but I desire your lordship to speak to him, he compares his case with that of Christ and his apostles; I suppose he is not ignorant, that the thing required of the apostles was, that they should not preach at all, which was a thing that could not be yielded unto upon any hazard. It is not denied but Mr Riddel should preach the gospel, being a minister; for a necessity is laid upon every minister, "and wo is unto him, if he preach not the gospel:" but all that is required of him, is but an engagement not to preach in the fields, which is far from the apostles' discharge. Mr Riddel has been speaking of his calls, I would fain know of him what he reckons his call: there are calls ordinary and extraordinary; if he mean an ordinary call, that must be determined by authority and the laws in being; this he cannot lay claim unto. If he speaks of an extraordinary call the prophets and apostles had, which they confirmed by miracles; if he pretend to such a call, how shall we know if he has it? what miracles will he work for confirming it? *Lin.* What answer can you give to what is said? *Ans.* My lord Linlithgow, for me to answer what has been spoken, will necessitate me to rip up the whole controversy that is this day betwixt the presbyterians and conformists, in reference to the present schism that is in the church of Scotland, which would be a more tedious discourse than, it may be, your lordships' patience would allow to hear; but if your lordships be willing to hear, I shall not decline it. *Lin.* Not so, but speak shortly to any particular you think fit. *Ans.* My lord, what was first spoken was in reference to the difference betwixt the apostles and myself, and I deny not a difference as to the thing commanded: but my alleging the case of Christ and the apostles, was in reply to my lord advocate's argument, that we ought either to conform to the laws, or go out of the land: that they did not conform to the laws of the land, but both preached and acted otherwise contrary to them, and defended themselves with that argument, "that we ought rather to obey God than man;" and truly, I see not why, notwithstanding of the difference of the subject matter of controversy, it should not be as good an argument in our mouths, acting contrary to the laws, as in theirs, and further than this I designed not to urge it." Here Mr Riddel was stopped, and the clerk ordered to read what he noted, which he did as follows. "Mr Riddel being called before the lords of the committee, and interrogate, whether or not, since the indemnity, he had kept any field conventicles, answered, that since the indemnity he had never preached out of a house, but refused to give his oath upon it. Being further

1680.

...red to engage not to preach in the ... fields hereafter, he did refuse so to do, ... he would rather undergo any suffer... that their lordships would inflict upon him, than come under such an engagement." This was read to him, and he appointed to sign it, which he did. After this my lord Linlithgow said, "There is one thing I forgot to ask, Were you familiarly acquaint with that young man apprehended with you, before your acquaintance at Moffat-well? *Ans.* I was not acquaint with him before that. I have seen him before, and been in his company, but did not know what he was till our converse at the well. *Lin.* Will you give your oath upon it? *Ans.* I have already desired to be spared as to oaths, for I dare meddle with no oaths at all. *Adv.* I wonder Mr Riddel should be so wilful, as to refuse to give oath upon what he declares so confidently to be truth. *Ans.* My lord, there is more required for justifying an oath, than that it be true. *Adv.* I hope you own authority, and are not of these wild principles some are of. *Ans.* My lord, I do own authority, as knowing that the same Lord Jesus who commanded us to fear God, doth also command to honour the king; and as I judge it my duty to give God what is God's, so to give Cesar what is Cesar's. *Bishop.* Strange, my lord Linlithgow, that Mr Riddel should peremptorily say, that he will swear no oaths. Unlawful oaths, I know, are to be refused, but to swear, when required by the magistrate to confirm truth, I humbly conceive ought not to be refused. I know none are against all oaths, but anabaptists and quakers, and I hope Mr Riddel is none of these." Mr Riddel not offering to reply, lord Linlithgow said, "What have you to say for clearing yourself? *Ans.* Your lordship and I are not upon equal terms to debate freely matters of oaths. *Adv.* Very true." Then the earl of Linlithgow told Mr Riddel he might remove; and when he was half way at the door, the advocate said, "Mr Riddel, I am sorry that such a person as you should drink in such irrational brutish principles, and would desire you for your good, wishing well to you, and being willing to do all I can for you, to quit them, and be better advised. *Ans.* My lord, I have not taken up those principles hastily and rashly, they have cost me study and exercise, and I have sought the Lord anent them, and find them so well grounded, that I hope through grace I shall not soon quit them. *Adv.* Go your way." After this examination, he was sent back to prison.

Mr Riddel was again called before the committee, December 8th, where Linlithgow was preses; and what passed there follows. "*Lin.* Sir, the committee has been considering your condition, and do very much incline to show you favour, and to have you set at liberty. You see what a height of extravagances some people are risen unto now, that we are concerned to take notice of persons. Therefore, we would know of you, whether you approve the way of these who cast off the magistrate, or not? *Ans.* I hope none questions me of being of such principles. *Lin.* However, we desire a declaration from your own mouth. *Ans.* My lord, I do in all humility acknowledge the civil magistrate; I own the king's majesty, the lords of his council, and this honourable committee, as such to whom I owe obedience, and to be subject in the Lord. I cannot deny but I am one of those who are against conformity in all the parts of it; but as for the civil magistrate, I may confidently say, both for myself and all true sober presbyterians in Scotland, that we desire to pay all due respect and homage unto him, and to be behind in nothing reasonable, called for at our hands. It is true, the distresses of that party from the magistrate, (for sad and lamentable have their afflictions been these years bygone) has extorted from them more complaining and resenting of the ruler's carriage, than from others who have had more countenance and encouragement from authority; and, it may be, an exceeding of just bounds and limits. And from hence hath proceeded this woful evil of denying and casting at the whole magistracy and ministry in Scotland, maintaining the lawfulness of killing and cutting off the king, rulers, and all that do adhere to them, combining and covenanting to execute the same, excommunicating of them, and the

like, which is such an evil, as does naturally tend to the overturning all government, and subversion of human society, and does indeed open a door for every man to kill, and do whatsoever seemeth good in his own eyes, and pretend religion for it; which we desire to lament, if possible, in tears of blood, and, we judge, hath a language in it both to rulers and people, both to conformists and nonconformists; and it were no small mercy if we could hear the voice of this rod, which prognostics some strange thing to come; but I know no encouragement or obedience that we would willingly or wittingly deny to the magistrate, except when we are put to that strait, that we must either incur the displeasure of our prince or of our God; endeavouring so to carry, as no ground of complaint against us may be found, except it be in the matters of our God. *Justice-clerk.* Mr Riddel speaks of all the true and honest presbyterians, but how shall we know whom he means by them, since Cargill and his party call themselves so as well as Mr Riddel? *Ans.* My lord, we would be glad to know what distinguishing character would be satisfying to you, to distinguish between the one and the other. *Justice-clerk.* I will name one: the murderers of the archbishop are conversing with you, are hid and entertained with you; if you would deliver up these persons to punishment, it would say you were not of their ways. *Ans.* Does your lordship think that these persons converse with me, or such as me? they scar as much at us as any in the land. *Justice-clerk.* Now we hear they cast at you, but you have promoted that interest; for both James Skene said before the justiciary, (when told that presbyterian ministers condemn them and their way,) that albeit they condemn them now, they owned nothing but what once they preached, and named Mr Riddel for one; and likewise one Harvey, the other day before us, when I asked her if she heard any minister preach such doctrine, told me she had heard both Mr Welsh and Mr Riddel preach so. *Ans.* My lord, I do not think it strange that these persons say these things to your lordship, seeing they have the confidence to say as much in our own faces, and to charge grievous things at their pleasure upon us; but I hope your lordships will little regard these sayings, considering two things, 1st, the great prejudice they have taken up against us, in so much that they would have us rooted out of the world, and stick not what they say or do for that end. 2dly, which I take to be the chief cause, the liberty they take in drawing consequences from our preachings. We preached to them the doctrine of repentance, they conclude they cannot be zealous enough against sin, except they disown, yea, cut off all they judge sinners, and then reckon that what we preached; but, my lord, I hope none will say that I ever preached these doctrines, which I ever judged destructive of the principles of nature. *Lin.* I think that must be the true reason. *Ans.* My lord, there is no minister in Scotland that party will hear or own, but one. To this one of the lords said, There are certainly more than one, there is Cargill and Douglas. *Ans.* I have not heard of Mr Douglas being in the kingdom of a long time. One of them replied, He was in it lately. *Ans.* It is more than I knew of. *Lin.* All the lords incline to show you favour, and we would do all that lies in our power for you, but we must be accountable to the council for what we do; and therefore we desire you would give us some ground to go upon for your liberation. Will you promise not to preach in the fields, nor take up arms against the king? *Bishop.* He will not give such engagements, you need not ask that. *Lin.* But what say you? *Ans.* Your lordship remembers the last time I was before you, I desired to be spared. *Lin.* It is true, but we would have somewhat to report to the council for our exoneration. *Ans.* Really, my lord, I have a very great aversion at all the oaths, bonds, and declarations, required of subjects in those days. *Justice-clerk.* There is no oath required of you, but a just promise. *Ans.* My lord, promises, bonds, and oaths, are near a kin. *Lin.* How can you expect liberty except you will promise not to preach in the fields? *Ans.* I do not know, but the same authority, now offended at preaching, may com- 1680.

1680. mand me to preach in the fields after this. *Justice-clerk.* If that be, he shall be allowed that limitation in his promise. *Ans.* My Lord, there are an hundred instances, which I cannot at present condescend upon, wherein a necessity may be on ministers to preach in the fields, which your lordships, if informed rightly, might allow, so that it is hard to come under any such promise. *Linlith.* What confidence can we have to expect your peaceable carriage, when you will not give such a promise? *Ans.* My lord, I hope all that know me, know me to be of a peaceable disposition, and if my peaceable carriage will not answer for me, I shall never desire that my promise of peace do it. My lord, the fields were never our choice, we never went to them but as necessity drove us. *Justice-clerk.* I would like that man best that is of a peaceable temper. *Linlith.* What do you think of the bishop's murder? *Ans.* If private persons were allowed to go out of their station, to kill men at their pleasure, no man could be sure as to his life. *Justice-clerk.* Will you but say, that you resolve not to preach in the fields, as long as matters continue as they are? *Ans.* Really, my lord, I am afraid to say, or do any thing that has the appearance of a straiter hedge about the exercise of my ministry, than Jesus Christ has drawn before me. *Justice-clerk.* Sure, men are bound to be considerate in their preaching, and to follow a rule; you told, I remember, before, you had not preached out of a house since the indemnity. *Ans.* My Lord, there is a great difference betwixt the forbearance of an action, when inconvenient, and an engagement never to do such an action, not knowing what necessity there may be for such an action afterwards." When he would come under no engagements, which, in his opinion, might limit his ministry, he was remitted to prison. We have seen the council's orders about him, December 9th, but he could never fulfil the condition they impose on him, to find caution not to keep conventicles. And therefore, though the managers were convinced of his moderation and loyalty, yet he continued about seven months further in confinement at Edinburgh. All the favour shown him, was the exchange of that with the Bass, where he continued three years and a half, until he was liberate upon his designed voyage with Pitlochie, when we shall meet with him again.

Some other instances of severities, towards presbyterians this year, are before me, but they may come in as fitly upon the last section, and after I have given some narrative of matters of another nature, which fell in June and July this year, upon the following sections.

SECT. IV.

Of the Queensferry paper, the first declaration at Sanquhar, and their consequents; with an account of the engagement at Airsmoss, July 21st, 1680.

HAVING given the state and sufferings of the body of presbyterians this year in the former sections, I come now to narrate some of the actings and sufferings of a few others, who this year did openly separate themselves from the rest of the suffering presbyterians, ministers, and others. They were the same persons, generally speaking, who last year broke off upon the score of the indulgence, and were for running matters to such heights in the west country army, whom I there termed, Mr Hamilton's party. After Bothwell, many of them went off the country, some to Holland, and some elsewhere; and this year, several of them returned and kept together, though but privately, following Mr Donald Cargill, Mr Richard Cameron; and I know not but Mr Thomas Douglas might be sometimes with them. They rejected all the rest of the presbyterian ministers of this church, indulged and not indulged, as some way or other involved, as they thought, in the evils of this time of defection.

From Mr Richard Cameron, a young man lately ordained, of whom more in this section, they had the name of Cameronians. Next year, when we shall hear they began to meet in societies, and had a general meeting quarterly, or oftener as the times would allow, they term themselves, "The societies united in correspondence." And by those names, wherewith they distinguish themselves from other presbyterians

through this church, to whom some of the warmer sort of these people, in some of their papers, give very harsh names, I shall now and then speak of them in the following part of this work. Several considerations engage me to give what accounts of their actions and sufferings, the papers come to my hand afford me. In England, and other places where our Scots affairs are very little known, the Cameronians and presbyterians are taken for the same. Every thing these people did, without any distinction, is charged upon presbyterians; and even what they did, is very much aggravated and misrepresented. The prelatists among ourselves help on this mistake, and are very willing to confound the two kinds of sufferers in this period, though they cannot but know, how much the two parties might have been differenced. And it is certain, it fared much worse with the whole of the nonconformists from prelacy; for the lengths these people ran to at some junctures, and the prelates, who lay at catch for a handle to instigate the government against presbyterians, improved what fell out this year extremely. Since bishop Sharp's death they had not yet appeared so virulently, as that apostate did, being, it may be, sensible of his pushing matters too fast and far; but they and their clergy failed not to improve these incidents we shall hear of, into methods more furious and violent. Besides, there were among these people a good many of a moderate and healing temper, though many times they were overdriven, and many excellent persons of eminent piety and seriousness, whose zeal brought them to be carried into the measures of some others, who had not their piety and religion; and a great many, by reason of the common danger, and a wandering lot, were obliged to be with them, who did neither approve of their extremities, nor countenance them; and vast numbers of the more common sort knew nothing of their heights, but were with them, and owned some of their principles, out of a sincere regard to the reformation, rights, and solemn covenants of this church, without being capable of knowing the consequents. In short, all of them, as far as ever I could find, were sincere protestants, and firm in their opposition to popery, as well as prelacy, and upon that score came under the greatest difficulties and hardships, under the reign of a papist; therefore I saw no reason to pass their sufferings, though in some things I cannot agree with them, as to the cause upon which they stated them. And I wish the fair and just accounts I shall endeavour to give of them, might have some influence, to open the eyes of those, who pretending to follow them, separate from this church, when we are under such circumstances, as, I dare say, the most part of the highest fliers at this time, would have rejoiced to see the church of Scotland in, and heartily joined in communion with her under them, as undoubtedly the most knowing and serious part of them did at the revolution. As a historian, it is not my province either to condemn or approve, what they or other presbyterians did, but to narrate matter of fact, as far as my information carries me; yet besides the common apology for them and others too, from the oppression of this period, which undoubtedly drove many to what now appears to be extremities, I must do them the justice, as to acquaint the reader, that he will find their own defences, which they advance for themselves, in the "Informatory Vindication," the "Hind let Loose," and other papers published by that party: and though I am satisfied, several things done by them, and declared by them, have been misrepresented and heightened, which, as to matters of fact, I shall endeavour to set upon their right foot; so I am convinced they ran to extremities, and these were carefully improven to the disadvantage of the rest of the presbyterians, who did not, and could not approve of what they declared and did. And yet when I consider the warmth of some of their tempers, the almost invincible ignorance their circumstances put some of them under, their converse only with those of their own party, their want of ministers to direct them for some years, when they refused to hear any presbyterian ministers, till they got one who was very much obliged to follow some of their managers, their divisions among themselves, and above 1680.

1680. all, the rigour and barbarity with which they and all other presbyterians, yea, even the more moderate sort of the episcopal way, and every body almost who had any seriousness or concern against popery, were treated with, I really wonder many went not far greater lengths.

We have seen the occasion and beginning of this division among suffering presbyterians, was taken from the indulgence; and this year it was run to a separation from almost all the outed ministers; the evil of this was perceived, when it was too late to recover many from it, by the remains of the banished ministers in Holland. Accordingly I have before me a letter from Mr M'Ward written this year, to some of the people I am now speaking of, wherein, still maintaining his former opposition to the indulged, he very pathetically deals with them as to their present separation. Some passages of it deserve a room here, the letter itself being pretty long. He tells them, "That now since Mr John Brown's death, a great deal of business lies upon his hand, so that he cannot write so largely by that bearer, nor express what is upon his heart swollen with sorrow for what he sees in the poor church of Scotland, and what he foresees;" and goes on to give them several directions as to religion; and adds, "let me beseech you to carry as not ignorant of the devices of Satan, that cunning wrestler, who, since he cannot carry you aside to the left hand snares, will see by all means if he can fling you to excesses upon the right hand, which, however they may be painted over at first to make them please, yet in the issue will prove most dangerous unto, yea, destructive of the whole of the old cause of the church of Scotland—take heed with all fear and watchfulness, that when you seek to stand at the greatest distance from one extreme, you run not to another, whereby the cause and whole frame of presbyterianism may be more certainly destroyed than by the other." Upon this head he remarks, that it "is the great thing Satan is driving at, that the poor remnant may run down one another with division; that separation, when not upon clear and just grounds, is a greater sin before God, and more wounding to the heart of Christ than murder, &c. because it is to dissolve the union of his church, and to divide Christian society; and whosoever pleads for this, he blows that with his breath, which Christ would quench with his blood! how will Christ take it at any man or woman's hand, to tear the commission of any of his ambassadors, whom he still owns as such? and withdrawing from hearing such is a tearing their commission." He further warns them, lest when testifying against faintings in ministers, "they be not drawn insensibly into a contempt of the ministry, and then into that delusion, to think that it is the only way to testify against what they judge amiss in the minister, to cast at his ministry, and withdraw from him; whosoever adopts this principle, and practiseth accordingly, hath not the mind of Christ, for there are other patent and obvious ways to witness against evils; nay, this way of witnessing is such as Christ will witness against, as not the way." Then he tells them, he is about to vindicate himself and Mr Brown, that, in the history of the Indulgence, and other papers, they laid no foundation for these excesses on the right hand; and adds likewise, he must publicly witness against the courses of many who rashly withdraw from ministers, who are and will be owned as Christ's ambassadors; and tells them, when he perceived some who came over to Holland, (last year I suppose) running to these extremes, it brought him to the very gates of death; and says, "if the principle whereby they defend their practice were owned, it would infer the dissolution of the visible church, and all society;" and complains these persons have withdrawn from Mr Hogg and him, and broken two societies at Rotterdam and Utrecht: therefore concludes he, "my dear friends, see to yourselves in time, and so much the more, that persons once engaged in these excesses seldom retreat." This long citation, if I mistake not, will not be unacceptable to some of my readers. I am willing to believe this letter was useful at the time when it was writ, to severals, though it had not that weight with many that the writer desired; and the reasonings of this pious, zealous, and learned

minister ought to have weight with some in this church at this day, involved in, and in hazard of the same excesses.*

The persons who had, as we heard, violently opposed the indulgence last year, and were now dividing themselves from all the outed ministers, after more private following Messrs Cargil and Cameron, came more openly to discover their sentiments in the declaration published at Sanquhar, June 22d this year, and the affair of the paper taken upon Haugh-head at Queensferry, was the occasion of this, and therefore I shall begin with it. This paper, sometimes called the Queensferry paper, sometimes Mr Cargil's declaration, hath made such a noise in the episcopal pamphlets, that I must give the reader a particular account of it, and how the managers came by it.

Henry Hall of Haugh-head, in the parish of Eckford in Teviotdale, upon whom the unsubscribed paper was found, which made all this noise, was a friend and relation of the earl of Roxburgh. He had been very religiously educated, and early began to show his zeal for what he took to be the strictest side, and, in the time of the lamentable differences upon the public resolutions, he was a violent protester, and used to leave his own parish minister, and ordinarily heard Mr John Livingstone at Ancrum, who, as hath been noticed, was of a very healing spirit, and far from encouraging such practices. After the restoration he was a strict non-conformist to prelacy, which brought him under many hardships, so that he was obliged to leave his estate, and to retire from the storm into the north of England, about the year 1665. In the year 1666, he was taken when coming towards Pentland, and with some others imprisoned in Cesford castle, whence he got out by the favour of the earl of Roxburgh. He retired again to Northumberland, and was very much beloved there for his care, and the pains he took to get many rude and ignorant people instructed, and his procuring ministers now and then to preach the gospel to them. In the year 1678, when colonel Struthers was violently pursuing all Scotsmen in those counties, Haugh-head was in that scuffle near Crockcom, a village upon the English border, where that gallant and religious gentleman, Thomas Ker of Hayhope, was killed. This obliged him to leave England, and come down to Scotland, where he was with Mr Hamilton at Drumclog, and the west country army at Bothwell. After which, being very diligently searched for, he went over to Holland, but did not stay there long, and ventured home again this year. In May, and the beginning of June this year, he was mostly in company with Mr Donald Cargil, lurking as privately as they could, about Borrowstonness and other places, upon both sides of the Frith of Forth. The curates of Borrowstonness and Caridden, very soon smelled out Mr Cargil and his companion, and presently sent information to Middleton, governor of Blackness, who was a papist. By the way here, I may repeat the remark I have once and again 1680.

* *Mr Robert Wodrow to Mr William Hog, Merchant in Edinburgh, January 14th*, 1723.

"Dear Sir,—Receive Mr M'Ward's letter, which you may read to Mr M'Main, and he will see that I have cited faithfully what I have printed out of it. I had *no* other view in printing the abstract from it, but if the authority of so good and great a man as he was might have any weight with dissenters, to let them see his thoughts of the evil and hazard of separation. I had no mind to revive our debates about the indulgence, and so was not concerned in that place with Mr M'Ward's severe innuendos upon it, and them who embraced it. The same reason makes me decline countenancing Mr M'Main's publishing this present paper of Mr M'Ward's, since I cannot see to what good purposes it can serve. However I am glad to hear Mr M'Main is assured it is the original he hath."—(Other subjects in Wodrow's letter I omit.) Lett. 8, vol. 2, 58, MS.

M'Main, it seems, was editor of M'Ward's "Earnest Contendings," which were written about the same time with his letter on separation, but never published by himself. While Wodrow, according to his usual practice, abridges the letter, his previous remarks show that he had no intention of misrepresenting M'Ward's views anent the indulgence, or hearing the indulged. M'Main would have it believed that the letter was pointed against Russel or Gib; but it seems to have been written in the early part of 1680, while Gib did not appear till 1681. M'Main says further, that M'Ward complains of them for having deserted him and Mr Hog, but not for their leaving Mr Fleming, (who pleaded for union with the indulged,) but in the *Contendings*, M'Ward avows himself an attendant on Mr Fleming's ministry.—See Earnest Contendings, (1723) 369—384, also pp. 122. 214 et seq.—*Ed.*

1680. made, that a great part of the persecution and informations against suffering presbyterians, came from the episcopal clergy, who, upon all occasions, laid themselves out to get notice of the wanderers, and to hound out the soldiers upon them; and indeed these two are justly chargeable with the blood of this good man. I find in the council registers a good proof as to one of them. "June 8th, 1680, Mr John Park minister of Caridden, for his good service in delating and discovering Mr Donald Cargill, and other vagrant preachers, for which he is threatened in his life, is recommended to the lords of the treasury, to give him some allowance for this good service." No doubt he had his reward, and when these people were rewarded for what they were so willing to engage in, their diligence would be the greater; meanwhile their native virulence needed scarce any spur. He was deposed 1689, for gross immoralities. The governor of Blackness immediately took the scent given him, and having gotten some notice where Mr Cargill and Haugh-head were, dealt subtilely enough. Upon June 3d, he ordered out a party of soldiers, to march at some distance, by twos and threes, carelessly, as if they had been upon no design; at length, by some of them, he found that Mr Cargill and Mr Hall had taken their horses, and was told the road where they were riding. The governor, and a servant upon horseback, presently traced them out, and kept at a little distance from them till they came to Queensferry, where, after the servant had noticed the house where they alighted, his master sent him off in all haste to call up his men to him, and put up his horse in another house. Within a very little, the governor came into the house where they were, as a stranger, and pretended a great deal of respect for Mr Cargill, and begged leave to take a glass of wine with them. When they were in friendly conversation together, and the soldiers not like to come up, the governor wearied, and threw off the mask, and told them they were his prisoners; and calling the house to assist him, he offered to lay hands upon them. There was none in the house would assist him, but one Thomas George, a waiter. Haugh-head was a bold brisk man, and struggled hard with the governor, until Mr Cargill got off; and then, when he was going off himself, having got clear of the governor, Thomas George struck him upon the head with a carabine, and gave him his mortal wound; however, he got out, and by this time the women of the town got together at the gate, and conveyed him out of the town. He walked a little way upon his foot, but being very sore bruised with his stroke, he soon fainted, and was carried into the next country house; and though chirurgeons were brought, I am told he never recovered so far as to speak any. General Dalziel of Binns, living near by, was soon advertised, and came very quickly with a party of the guards, and seized him. Such was his inhumanity, that though every body saw the gentleman just a dying, yet he would needs carry him in straight to Edinburgh, and he actually died among their hands in the way thither. His corps were laid in the Canongate tolbooth, for three days, without burial; and though Haugh-head's friends in and about the town, were very importunate for liberty to do their last office to him, yet that could by no means be granted. Such was the fury of those times, that it reached the bodies of the people of God, after they were killed by them; of which we shall meet with more instances. Some little time after, his corps were buried clandestinely in the night.

I shall add here what hints I have observed as to this incident in the council-registers. June 4th, the accounts came in to Edinburgh, and the council pass an act about the tumult in Queensferry, as they call it, that is, the rescuing of Mr Hall from the captain of Dunnotter, and Thomas George, "Recommending to the general to send what number of soldiers, horse or foot, as he sees good, to that town, to lie there, guard the passages, and apprehend such as the laird of Mannor, Captain Middleton, and Thomas George, waiter, shall inform against, and send them into Edinburgh with two bailies of Queensferry, who refused to quash the tumult, with power to the party to seize suspect persons, make open doors, &c. and indemnifying them in case of

slaughter." June 10th, one Margaret Wauchop is brought in prisoner from Queensferry, for being accessory to Mr Cargill's escape.

When Mr Hall was taken, there was found in his pocket an unsubscribed, yea, evidently a rude and imperfect draught of a paper, called from the place where he was taken, Queensferry paper. It was never owned by Mr Cargill to be a paper he or Mr Hall had finished; and it plainly appears to have been a rude beginning in writ, of what had been the subject of their conversation. The author of the Hind let Loose, gives an abstract of it; and it hath been published with a great deal of triumph, as the deed of the presbyterians in Scotland, by the episcopal party, and Scots jacobites at London, with the solemn league and covenant before it, and Gib's senseless and blasphemous paper after it, at the end of Sir George Mackenzie's vindication. I have likewise seen a copy of it, printed by order of the council, this year, at Edinburgh. There are three written copies of it just now before me, said to be writ at the very time, and one of them bound up with some original papers which belonged to the clerk of the society people, who formed themselves, as we shall hear, a little after this: all these three agree exactly; and from them I have insert a copy of this paper, which made so great a noise.* There are several passages here which evidently show, that this paper cannot be charged upon the body of the presbyterians; and the publishers fall in a gross 1680.

* *Queensferry Paper.*

We undersubscribers, for ourselves and all that shall adhere to us, or join with us, being put to it by God, our own consciences, and men, and following the examples of God's people, registrate in his word in such cases; we are resolved (having acknowledged and obtained mercy, we trust, for our former breaches of covenants with God) to bind ourselves with a solemn and sacred bond, lest upon the one hand, we should be carried away with the stream of the defection of this time, that neither minds bypast vows, nor intends performance, but are going a quite contrary way of seeking their own things: and on the other hand, lest we should wander, evanish into vanity, and come to nothing, not having any fixed limits and end proposed to ourselves; and as we resolve to covenant with and before God, so to declare before the world, what are the designs we propose to pursue, if God shall give us power and success, that men (knowing) if they will know, our inward thoughts and utmost end, and our way from the one to the other, may not be at a trouble or uncertainty to find us out, and may have no occasion to misjudge, nor misrepute us that are friends, and those that have the glory of God before their eyes (as we may have no cause to be jealous of our intentions) and that our enemies with their associate backsliders (sometime professed friends) may not have ground to load us with foul and odious aspersions, but that all knowing the truth of things, those who oppose the kingdom of God with us, may do it without excuse, and those who join with us, may do it on solid grounds, and in hazarding their perishing lives, may know they do not die as fools: it is true the unmindfulness, failing, counteracting, and mocking that has been in our former vows and covenants with God, together with great spiritual judgments that have followed both upon professors and ministers, and the great temporal judgments that are like to follow, puts us to some stop; so that we cannot but with much trembling of heart renew our covenant, or engage anew, especially considering our own weakness and hazard; yet the clear conviction of duty, zeal to God's glory, and love to Christ's reigning, which is the highest and greatest duty that a man can perform to God, trusting in his mercy, who knows the integrity and rightness of our intentions, will both instruct, enable, accept, preserve and prosper us: we go on declaring those, and nothing but those to be our present purposes.

First. We covenant and swear, that we acknowledge and avouch the only true and living God, Father, Son, and Holy Ghost to be our God, and that we close with his way of redemption by his Son Jesus Christ, and rely upon his righteousness, as that righteousness only whereby a man can be justified before God; and that we acknowledge the scriptures of the Old and New Testament to be by divine revelation, and to contain the will of God to man, and anent men; and that we take those scriptures to be the only object matter of our faith, and rule of our conversation in all things, and that we do give up ourselves to God, to be renewed, instructed by his grace, and ruled in all things by his Spirit according to his word, and shall earnestly endeavour to render him that love, worship, and obedience that his word requires, and his goodness obliges us to.

Secondly. That we shall, to the utmost of our power, advance the kingdom of God (if at any time God shall give us power) by establishing throughout the lands, righteousness, and the true reformed religion, in the truth of its doctrine, in the purity and power of its worship and ordinances, its right government and discipline, and that we shall free the church of God from the tyranny and corruption of prelacy on the one hand, and the thraldom and encroachments of erastianism upon the other hand; and that we shall, to the utmost of our power, relieve the church and our brethren, the subjects of this kingdom (God authorizing and calling us to this, by his raising us up, and giving us power and success in removing those who by their transgression have forfeited their autho-

1680. blunder, when they say it was taken on Mr Cargill, it being taken on Mr Hall. It may be further observed, that the Cameronians and society people themselves, did not pretend to vindicate every expression in this paper; yea, afterwards, in some of their public papers, they expressly disown it, in as far as it does any way import any

---

rity) of that oppression that hath been exercised upon their consciences, civil rights and liberties, that men may serve God holily without fear, and possess their civil rights peaceably without disturbance.

Thirdly. That we confess with our mouth, and believe with our hearts, the doctrine of the reformed churches, especially that of Scotland, contained in the Scriptures, summed up in our confessions of faith, and engaged to by us in our covenants, is the only true doctrine of God, and that we purpose to persevere in it to the end: and that the pure worship required and prescribed in the scriptures, without the inventions, additions, adornings, or corruptions of men, is the only true worship of God, and the presbyterian government exercised by lawful ministers and elders in kirk-sessions, presbyteries, synods, and general assemblies, is the only right government of the church, and that this government is a distinct government from the civil, and ought distinctly to be exercised, not after a carnal manner by the plurality of votes, or authority of a single person, but according to the word of God; so that the word makes and carries the sentence, and not plurality of votes.

Fourthly. That we shall endeavour, to our utmost, the overthrow of the kingdom of darkness, and whatever is contrary to the kingdom of Christ, especially idolatry and popery in all the articles of it, as we are bound in our national covenants, superstition, will-worship and prelacy, with its hierarchy, as we are bound in our solemn league and covenant, and that we shall with the same sincerity endeavour the overthrow of that power (it being no more authority) that hath established, and upholds that kingdom of darkness, that prelacy, to wit, and erastianism over the church, and hath exercised such a lustful and arbitrary tyranny over the subjects, taken all power in their hand, that they may at their pleasure introduce popery in the church, as they have done arbitrary government in the state. And in a word, that we shall endeavour the extirpation of all the works of darkness, and the relicts of idolatry and superstition (which are much enlarged and revived in those times) and execute righteous judgment impartially (according to the word of God, and degree of offences) upon committers of those things, especially, to wit, the blasphemy, idolatry, atheism, sorcery, perjury, uncleanness, profanation of the Lord's day, oppression, and malignancy, that thus being zealous of God's glory, he may delight to dwell in the midst of us.

Fifthly. Seriously considering, that the hand of our kings, and rulers with them, hath been of a long time against the throne of the Lord, and that the Lord, upon this account, has declared that he will have war with them for ever, and has commanded his people utterly to root them out; and considering that the line and succession of our king and rulers hath been against the power and purity of Religion, and godliness, and Christ's reigning over his church, and its freedom, and so against God, and hath degenerate from that virtue, moderation, sobriety and good government, which was the tenor and right by which their ancestors kept their crowns (for when they left that, they themselves were laid aside, as our chronicles and registers do record) into an idle and sinful magnificence, where the all and only government is to keep up their own absoluteness and tyranny, and to keep on a yoke of thraldom upon the subjects, and to squeeze from them their substance to uphold their lustful and pompous superfluities: we having no better nor greater way at this time of manifesting our public siding with, and loving of God, nor seeing a more speedy way of relaxation from the wrath of God (that hath ever lain heavy on us, since we engaged with him) but of rejecting of them, who have so manifestly rejected God (especially of late) and his service and reformation, as a slavery, as they themselves call it in their public papers, especially in their late letters to the king and duke of Lauderdale, disclaiming the covenants with God, and blasphemously enacted it to be burned by the hand of the hangman, governed contrary to all right laws divine and human, exercised such tyranny and arbitrary government, so oppressed men in their consciences and civil rights, used free subjects, Christian and reasonable men, with less discretion than their beasts, and so not only frustrate the end of government, which is, that men may live peaceably and godly under them (this being the end of government, to maintain every one in their rights and liberties against wrongs and injuries) but have done directly opposite to it, by enacting and commanding impieties, injuries, and robberies, to the denying of God his due, and the subjects their godliness and peace; so that instead of government, godliness, and peace, there is nothing but rapine, tumult and blood; so that now it cannot be called a government, but a lustful rage, exercised with as little right reason, and more cruelty than in beasts; and they themselves can no more be called governors, but public grassators, and public judgments, which all ought to set themselves against, as they would do against pestilence, sword, and famine raging among them; for they are like those, and bring those; and as they have exercised no good government, nor administered justice, so on the other hand, they have stopped the course of law and justice against blasphemers, idolaters, atheists, sorcerers, murderers, incestuous and adulterous persons, and other malefactors; and instead of rewarding the good, have made butcheries and murders upon the Lord's people, sold them as slaves, imprisoned, forfeited, fined, banished, &c. and that upon no other account, but for maintaining Christ's right of ruling over their consciences against the usurpations of men, for fulfilling their vows, repelling unjust violence (which innocent nature allows every creature) of all which particulars we can give (we speak before God) innumerable and sure instances.

But that we may see if there be any thing that stands in our way, there are but three things that seem to have weight that we know.

purpose of assuming to themselves a magistratical authority. And it may not be out of the road to insert here part of an original letter, dated Rotterdam, November 22d 1680, writ by Mr Alexander Shiels. He declares himself indeed for disowning the king's authority, but tells his friend, "I cannot but have exceptions 1680.

First. Whether the deed and obligation of our ancestors can bind us. *Secondly.* Whether the covenant doth bind us either to this man or his posterity. And *thirdly.* Whether there yet be any hope of them and their posterity.

1. As to the first. Our ancestors their transactions and obligations neither did, nor could bind us, they did not buy their liberty and conquest with our thraldom and slavery; nor could they, liberty and freedom being a benefit next to life, if not in some regard above it, that they could not give it away more than our lives, neither is it in the power of parents to bind their posterity to any thing that is so much to their prejudice, and against their natural liberty. It is otherwise indeed in things moral. Neither did they bind us to any thing but to a government, which they then esteemed the best for the commonwealth and subjects; and when this ceaseth, we are free to choose another, if we see it more conducible for that end, and more free of these inconveniences. 2dly. The covenant doth not, for it only binds us to maintain our king in the maintenance of the true established and covenanted religion; and this we have not: neither can they require homage upon the account of the covenant, having renounced and disclaimed that covenant: and we being no otherwise bound, the covenant being the coronation compact without the swearing and sealing of which our fathers, or rather we ourselves refused to receive him for king, and them for rulers; and if they were free to refuse him for king, upon the account of not subscribing of that covenant, we are much more free to reject him upon his renouncing of it, this being the only way of receiving the crown of Scotland; and reigning also, not being an inheritance that passes from father to son without the consent of tenants, but an (and the more men plead for this, the more we are concerned to look to it) office, which, all say, is given *ad culpam, non ad vitam.* And for the 3d, Neither is there any hope of their return from these courses, having so often showed their natures and enmities against God and all righteousness, and having so oft declared and renewed their purposes and promises of persevering in those courses: and suppose they should dissemble a repentance of those things, and profess to return to better courses, being put to straits, and for their own ends (for upon no other account can we reasonably expect it:) supposing also, that there might be pardon for that which is done, which we cannot see can be without the violation of God's law, and the laying on of a great guiltiness upon the land, for the omitting of the execution of so deserved and so necessarily requisite a justice, from which guiltiness the land cannot be cleansed or made free, but by executing of God's righteous judgment upon them: but supposing that it might, they cannot now be believed, after they have violated all ties that human wisdom can devise to bind men. And besides, who sees not somewhat of folly to be in this, to think to bind a king that pretends to absoluteness? the way being thus cleared, and we being sure of God's approbation and men's, whose hearts are not utterly biassed, and conscience altogether corrupted; and knowing assuredly, the upholding of such, is to uphold men to bear down Christ's kingdom and to uphold Satan's, and to deprive men of right government and good governors, to the ruining of religion, and undoing of human society. And seeing also the innumerable sins and snares that are in giving obedience to their acts upon the one hand; and upon the other hand, seeing the endless miseries that will follow if we shall acknowledge their authority, and refuse obedience to their sinful commands: we then upon those, and the following grounds, do reject that king, and those associate with him in the government (stated and declared enemies to Jesus Christ) from being our king and rulers, because standing in the way of our right, free, and peaceable serving of God, propagating his kingdom and reformation, and overthrowing Satan's kingdom according to our covenants, declare them to be henceforth no lawful rulers, as they have declared us to be no lawful subjects, upon a ground far less warrantable, as men unbiassed will see: and that after this, we neither own, nor shall yield any willing obedience to them, but shall rather suffer the utmost of their cruelties and injuries (until God shall plead our cause) being no more bound to them, they having altered and destroyed the Lord's established religion, overturned the fundamental and established laws of the kingdom, taken away altogether Christ's church-government, and changed the civil government of this land, which was by a king and free parliament, into tyranny, where none are associate to be partakers of the government but only those who will be found by justice to be guilty of criminals, and where all others are excluded, even those who by the laws of the land, and by birth, have a right to, and a share in that government, and that only because they are not of the same guiltiness and mischievous purposes with themselves, and where also all free elections of commissioners for parliaments, and officers for government, are made void, they making those the qualifications for admission to those places, which by the word of God, and the laws of the land, was the cause of their exclusion before. So that none can say that we are now bound in allegiance unto them, unless they will say, we are bound in allegiance to devils whose vicegerents they are, having neither authority from God (because it is by their sinfulness forfeited) nor yet judging nor ruling for God.

We then being made free by God and their own doings, (he giving the law, and they giving the transgression of that law, which is the cause) and being now loosed from all obligations both divine and civil to them, knowing also, that no society of men, having corruption in them (which is always ready to beget disorder and to do injuries, unless restrained and punished by laws and government) can be without laws and government, and withal desiring to be governed in the best way that is least liable to inconveniences, and least apt to degenerate into tyranny:

1680. against some parts of that paper, (the Queensferry covenant,) particularly the prescribing a form of government, stinted to the judicial law, which is not the expedient work of the present day. I do not love to be censorious, especially where the scope is to engage to faithfulness and zeal; but I cannot assent to the

---

We do declare, that we shall set up over ourselves, and over what God shall give us power of, government and governors according to the word of God, and especially that word, Exodus xviii. 21. "Moreover thou shalt provide out of all the people, able men, such as fear God, men of truth, hating covetousness, and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens." That we shall no more commit the government of ourselves, and the making of laws for us, to any one single person, or lineal successor, we not being by God, as the Jews were, bound to one single family; and this kind of government by a single person being most liable to inconveniences, and aptest to degenerate into tyranny, as sad and long experience hath taught us.

Moreover we declare, that those men whom we shall set over us, shall be engaged to govern us principally by that civil and judicial law (we think none will be so ignorant as to think, by the judicial law we mean that which is ceremonial or typical) given by God to his people of Israel, no man, we think, doubting, but it must be the best so far as it goes, being given by God; and we having no body of law of our own, but some few imperfect acts of parliament, and sometimes following the canon, and sometimes the feudal, and sometimes the civil, which occasions great contentions among the people, especially those who are naturally litigious, to the exhausting and enhancing of the substance of the kingdom to some few men, and squeezing of its inhabitants, but especially that we shall be governed by that law in matters of life and death, and all other things also, so far as they reach, and are consistent with our Christian liberty established in all Christendom (only violated by our tyrants, and some others of late) excepting only that of divorce and polygamy, the one being not a law, but a permission granted upon the account of the hardness of their hearts, the other being a sinful custom, contrary to the first institution of marriage, crept into the church. We know that men of malignant and perverse spirits, who have *not* a higher God than a wicked king, which suits only with their lustful licentiousness, and it may be others with them, that seemed to be of better principles, will raise an ignorant clamour upon this, that it is a fifth monarchy, and we fifth monarchy men, and will labour to amuse the people with strange terms, and put odious names on good things to make them hateful as their way is; but if this be their fifth monarchy, we both are, and ought to be such, and that according to God's word.

Sixthly. It being the work of the ministers of the gospel to preach, propagate, and defend the kingdom of God, and to preserve the doctrine, worship, discipline, government, liberties and privileges of the same from all corruptions and encroachments of rulers and all others; and seeing that the ministers of the church of Scotland, at least the greatest part of them by far, not only were defective in preaching and testifying against the acts of rulers, for overthrowing religion and reformation, abjuring our covenant with God, establishing a *government* in the church, which their king calls his own government (and so is not God's) contrary to our covenant, against enacting of that blasphemous (so Calvin calls that supremacy of Henry VIII. upon which this prerogative is formed, and from which it is derived, and is no less, if not more injurious to Christ, and enslaving to his church) and sacrilegious prerogative, given to a king over the church of God, and against their other acts and encroachments upon his church, and hindered others also who were willing, and would have testified against them, and censured some that did it (for which, together with other faults in their trust and administration, we may say God hath left them to do worse things) but also have voted in that meeting (which they are pleased to call 'an assembly of ministers,' but how unjustly, let men judge) an acceptation of that liberty founded upon, and given by virtue of that blasphemous, arrogated and usurped power, and has appeared before their courts to accept of that liberty,' and to be enacted and authorized their ministers, and so have willingly (for this is an elicite act of the will, and not an act of force and constraint) translated the power of sending out, ordering and censuring (for as they accepted the liberty from them, so they are answerable and submit to their censures and restraints, at least all of them who were yet tried with it, and others of them appeared, and acknowledged before their courts, that they would not have done these things that they were charged with, if they had thought it would have offended them) ministers *from* the court of *Christ*, and subjection to the ministry to the courts of men, and subjection unto the magistrate (which had been impious and injurious to Christ, though they had been righteous and lawful rulers) and by their changing of courts (according to common law) have changed their masters, and of the ministers of Christ are become the ministers of men, and bound to answer to them, as they will; and as, by the acceptance of this liberty in such a manner, they have translated the power, so they have given up and quit utterly the government, and a succession of a presbyterian ministry, for as those were not granted them of their masters, so they received their ministry without them, and by this (as the ecclesiastic government is swallowed up in the civil) if the rest had followed them, the ministry should have been extinct with themselves, and the whole work of reformation had been buried in oblivion, and not so much as the remembrance thereof kept up. Those, together with the other of their commissions, in preaching the lawfulness of paying that tribute, declared to be imposed for the bearing down of the true worship of God (which they falsely termed seditious conventicles, rendezvouses of rebellion) and their advising those poor prisoners to subscribe that bond, and consequently could not but so advise others, if put to it (for the hazard men were in will not make a real change of the morality of the action) and besides, the rest may be put to it on the same hazard; and if the one should advise

end of the sixth paragraph, which to me seems too near separation, declaring that any unsuitable deportment of ministers, or their not joining with their brethren in the public testimony, is a sufficient ground of withdrawing from them. This (adds he) is not the principle or practice of the church of Scotland, who have made unlawful entries, perverse holdings of their ministry from another master than Christ, perverting the right ways of the Lord, or unfruitful plastering, and tampering silence, warrantable grounds of separation, (which may indeed score off the bulk of our ministry, indulged and not indulged) but never founded it upon personal misdemeanors and faintings upon a special occurrence. This hath been part of the debates here, and we should guard against excesses on either hand. Their meaning may be good, but I quarrel the expression, which, in covenants of this nature, 1680.

(which consequently they must do) and the other should subscribe, this would altogether close that door, which the Lord hath made use of in all the churches of Europe, for casting off the yoke of the whore, and restoring the truth and purity of religion and reformation, and freedom of the churches, and should also have stopped all regress of men, when once brought under tyranny, to recover their liberty again. Those ministers then not being followers of Christ, who, before Pontius Pilate, gave a good confession, which was that he was a king (and no king, if he have no power to order his house and subjects) and they not following him nor his ministers, they not asserting and maintaining this his kingly power, against all encrouchments and usurpers of it; and besides, we being commanded, if any brother walk disorderly, from such to withdraw. And although, in the capacity that we are now in, we neither have, nor assume to ourselves authority to give our definitive and authoritative sentence of deposition against those ministers, yet we declare (which is proper for us to do) that we neither can nor will hear preaching, nor receive sacraments from any of those ministers that have accepted, and voted for that liberty, nor from any who have encouraged and strengthened their hands by hearing and pleading for them, all those who have trafficked for an union with them, without their renouncing and repenting of those things, all that do not faithfully testify against them, and after do not deport themselves suitably to their testimonies, all who join not in public with their brethren, who are testifying against them. We declare, that we shall not own, &c. at least till they stand in judgment before those ministers, and be judged by them who have followed the Lord, kept themselves free of those defections, or at least have repented; and as our hearts have cleaved to those ministers, while they were on the Lord's side, and subjected to them, so we shall still cleave to those that abide following him, and shall be subject to them in the Lord.

Seventhly. Then, we do declare and acknowledge, that a gospel ministry is a standing ordinance of God, appointed by Christ to continue in the church until the end of the world; and that none of us shall take upon him the preaching of the word, or administering of the sacraments, unless called and ordained thereto by the ministers of the gospel. And, as we declare, that we are for a standing gospel ministry, rightly chosen and rightly ordained, so we declare that we shall go about this work in time to come with more fasting and prayer, and more careful inspection into the conversation and holiness of those men that shall be chosen and ordained, the want of which formerly has been a great sin, both in ministers and people, which hath not been the least cause of this defection. This will meet with the same measure as the former. The former was a fifth monarchy, so this will be a separation. There is both malice and ignorance in this calumny. Malice in striving to make us odious; for there is nothing that will make us more odious to the world, than to tell them we think ourselves more holy than all, and will have no communion with others. But we abhor such thoughts, and whatever we know of our sincerity, yet we know nothing of our perfection, and so see nothing whereupon we may compare, much less exceed others, but the contrary; and if any were to be shut out upon that account, we judge ourselves would be the first. There is ignorance in it, if not a deep deceit; for separation, as the scripture and divines take it in an evil sense, cannot be attributed to us; for if there be a separation, it must be where the change is, and that is not in us; we are not separating from the communion of the church, and setting up new ordinances, and a new ministry, but cleaving to the same ministers, and following the same ordinances, when others have slidden back to new ways, and have a new authority superadded, which is like the new piece in the old garment.

Eighthly. We bind and oblige ourselves to defend ourselves and one another in our worshipping of God, and in our natural, civil, and divine rights and liberties, till we shall overcome, or send them down under debate to the posterity, that they may begin where we end; and if we shall be pursued or troubled any farther in our worshipping, rights, and liberties, that we shall look on it, as a declaring war, and take all the advantages that one enemy doth of another, and seek to cause to perish, all that shall, in an hostile manner, assault us, and to maintain, relieve, and right ourselves of those that have wronged us, but not to trouble or injure any, but those that have injured us; those being most lawful for us, being many that are wronged upon such an account, and by such persons who have nothing now over us, but power and usurped authority, which we shall neither answer nor acknowledge, if we can do otherwise, hoping that God shall break off that part of the yoke, and free us of that power and tyranny, that we have cast off upon his account, and will give us judges as we had at the beginning, and counsellors as we had at the first.

1680. should be very distinct and clear. All the account I can further give of the Queensferry paper, shall be from a letter I have from a gentleman yet alive who had much occasion to be among the sufferers at this time. He tells me, "the notion and practice of denying the king's authority, took its rise from a paper said to be drawn by Mr Donald Cargill, by the advice and with the knowledge of very few, and for no other end, (as I found constantly and without contradiction given out) but privately to be sent over to such as were banished, and fled to Holland, to be considered by them, and, according to their advice, to be laid aside, or used in any future attempt for relief. The messenger Haugh-head lost his life, when seeking an opportunity to go over to Holland, and the paper fell into the council's hands, and was added to the inquiries by them put to persons brought before them, in which they followed the measures of the Spanish inquisition. It was interrogate, 'if they owned the king's authority or not, and if they owned the Queensferry paper or not?' and this paper being owned, or rather the king's authority not owned by some good and zealous men, and this stuck to till their death, it came to be greedily espoused by some as a necessary truth, to be suffered for, owned, and maintained at all hazards. The design certainly of this paper, was to be the materials of a manifesto or declaration of an attempting people against the government, furnished with some possible means, at least in their own apprehension, for resistance, and was not calculate for a people absolutely subdued: this is plain from the paper itself, and may be confirmed from Mr Cargill's last speech, where, in justifying the denial of the king's authority, he only insists upon the king's supremacy over the church, as it was declared to be an inherent right, or essential to the crown." Sure then, it is the greatest injustice to charge this paper upon the whole of presbyterians, who indeed had no hand in it, and never approved it: nobody ever subscribed it, and even the society people never owned it, but in as far as it was agreeable to the word of God, and our covenants; and Mr Cargill himself did not defend every thing in it: so that the clamour raised upon this by the prelatists, is every way groundless. It may be I have spent too much time upon it; but this paper did very much exasperate the managers, since it was indeed a disowning of the government; nevertheless, there was not the least shadow of charging it upon the whole suffering party. However, this was the first appearance against the king's authority, and I am ready to think it was upon this foot the Sanquhar Declaration came to be drawn in a few days. The people who drew it, I know had a mighty veneration for Mr Cargill and Haugh-head, and how far the substance of the paper might be communicated to them I know not: however their sentiments must be taken not from it, but their own declaration, which further imbittered the managers: and it is high time next to give some account of that.

After Mr Cargill's narrow escape at Queensferry, he fled into the south, where several of his friends were hiding and wandering, Mr Richard Cameron and some others, whose names are insert in the proclamation, I shall just now refer unto. They had now broke off from all the rest of the presbyterian ministers, and others through the kingdom, who could not reject the king's authority, and came to state their sufferings and testimony upon that head, and herein they stand by themselves. After some meetings for forming their declaration, they came together in arms to the small burgh of Sanquhar, upon the 22d of June, in number about twenty persons, and Michael Cameron read the declaration at the cross, and they left a copy of it affixed there. The declaration itself I have inserted below,* and, from the place of its

* *Sanquhar Declaration*, 1680.

It is not amongst the smallest of the Lord's mercies to this poor land, that there have been always some who have given their testimony against every course of defection, (that many are guilty of) which is a token for good, that he doth not as yet intend to cast us off altogether, but that he will leave a remnant in whom he will be glorious, if they, through his grace, keep themselves clean still, and walk in his way and method, as it has been walked in and owned by him in our predecessors of truly worthy memory, in their carrying on of our noble work of reformation in the several steps thereof, from

publishing, it is ordinarily termed the Sanquhar declaration. In this they were not only alone, and had none of all the presbyterian ministers in Scotland approving them as themselves acknowledge and regret; but even afterwards, when a little cooler, they amend and explain several expressions in this paper; and the reader will find their defences of it, and explications, in their Informatory Vindication, head II. p. 63, &c. Many papers passed upon this subject at this time. Mr Richard Cameron wrote a short vindication of this Declaration, which was carefully spread. A very worthy presbyterian minister, lately got to the joy of the Lord, wrote a letter in the name of Scots presbyterians, disclaiming the Queensferry paper, and this Declaration, and showed how far the principles advanced in both were contrary to the presbyterian principles of this reformed church. Sir James Turner wrote some sarcastical and bantering papers upon this head, and was taken up by somebody or other, whom he answered in more earnest, and the debate ran to a very great length. 1680. All those, and other papers on this head, I have just now before me, but shall dip no further into this debate, which lasted some time.

This matter of disowning the king's authority, is that which hath been and still is mostly made use of, to asperse the whole of the sufferers of this period. The body of presbyterians are most unjustly loaded with it. Comparatively but a very few ran this length. Mr Cargill himself, in his speech before his execution, qualifies very much his refusal to own the king's authority, and precisely insists upon his supremacy over the church, as declared to be an inherent right, and essential to the crown. No doubt this rejecting of the king's authority, when unhappily broached at this time, was espoused by several of the harassed and persecuted sufferers, and some few died, refusing to own authority; some run this debate very high, and their argu-

popery, prelacy, and likewise erastian supremacy, so much usurped by him, who (it is true so far as we know) is descended from the race of our kings, yet he hath so far deborded from what he ought to have been, by his perjury and usurpation in church matters, and tyranny in matters civil, as is known by the whole land, that we have just reason to account it one of the Lord's great controversies against us, that we have not disowned him and the men of his practices, (whether inferior magistrates or any other) as enemies to our Lord and his crown, and the true protestant and presbyterian interest in thir lands, our Lord's espoused bride and church. Therefore, although we be for government and governors, such as the word of God and our covenant allows, yet we for ourselves, and all that will adhere to us, as the representative of the true presbyterian kirk, and covenanted nation of Scotland, considering the great hazard of lying under such a sin any longer, do by thir presents disown Charles Stuart, that has been reigning (or rather tyrannizing, as we may say) on the throne of Britain these years bygone, as having any right, title to, or interest in the said crown of Scotland for government, as forfeited several years since, by his perjury and breach of covenant both to God and his kirk, and usurpation of his crown and royal prerogatives therein, and many other breaches in matters ecclesiastic, and by his tyranny and breach of the very *leges regnandi* in matters civil. For which reason, we declare, that several years since he should have been denuded of being king, ruler or magistrate, or of having any power to act, or to be obeyed as such. As also, we being under the standard of our Lord Jesus Christ, Captain of salvation, do declare a war with such a tyrant and usurper, and all the men of his practices, as enemies to our Lord Jesus Christ, and his cause and covenants; and against all such as have strengthened him, sided with, or any wise acknowledged him in his tyranny, civil or ecclesiastic, yea, against all such as shall strengthen, side with, or any wise acknowledge any other in the like usurpation and tyranny, far more against such as would betray or deliver up our free reformed mother-kirk unto the bondage of antichrist the pope of Rome. And by this we homologate that testimony given at Rutherglen, the 29th of May, 1679, and all the faithful testimonies of these who have gone before, as also of these who have suffered of late. And we do disclaim that declaration published at Hamilton, June, 1679, chiefly because it takes in the king's interest, which we are several years since loosed from, because of the foresaid reasons, and others, which may after this (if the Lord will) be published. As also, we disown, and by this resent the reception of the duke of York, that professed papist, as repugnant to our principles and vows to the most high God, and as that which is the great, though not alone, just reproach of our kirk and nation. We also by this protest against his succeeding to the crown; and whatever has been done, or any are essaying to do in this land (given to the Lord) in prejudice to our work of reformation. And to conclude, we hope after this none will blame us for, or offend at our rewarding these that are against us, as they have done to us, as the Lord gives opportunity. This is not to exclude any that have declined, if they be willing to give satisfaction according to the degree of their offence.

Given at Sanquhar, June 22d, 1680.

1680. ments are set down at full length in the Hind let Loose; others merely disowned the king, because of the persecuting course he was put upon by the prelates and statesmen, not being able to distinguish here, as they ought to have done. To set this matter in as fair a light as I can, it will not be unfit to insert part of a letter to me from the abovementioned gentleman, who was very much among the sufferers, from the year 1680, to the year 1685, upon this part of their practice. "there were (says my friend) some wild and unaccountable notions and practices in this period, to which no charitable construction is due, but the height of abhorrence: yet perhaps, upon a due consideration of things and circumstances at this time, a considerable measure of charity is owing to such, who only scrupled to own the magistrate's authority and pray for him in the terms dictated to them. Though I do not say, they are to be justified; yet it may be reckoned an act of justice to the dead, to set their principles and practice in a due light, when they are quite misrepresented, both by such who pretend to be their admirers and followers, and by their enemies: and I must be allowed to know somewhat of them, having been present for several years among them, when this matter was tossed and most debated. The grounds then upon which I observed they went, were these. 1st. The supremacy over the church being legally declared and assumed by the king, as essential to, and inherent in his dignity and office, therefore the acknowledgment behoved to be in the terms of the establishment, and thereby, as they thought, his supremacy justified. 2dly. The king's perfidy, vitiousness, persecution and oppression of good men, according to their views, made him unworthy of rule and government over a reformed people; and albeit the nation was wanting to their duty in not depriving him, yet they alleged they could not be wanting to theirs in disowning him, and testifying against these. And it was hard, yea, almost impossible to prevail with many of them, to conceive of, or allow any difference betwixt the acknowledgment of the authority, and the justifying the abuse of it in unlawful acts, and the exercise of it to bad ends. 3dly. That the obligation of the covenants bound them to oppose the courses of the time, being directly contrary thereunto, and when they could not forcibly oppose them, by reason of the general apostacy of many, and lukewarmness of others; yet they reckoned themselves bound to testify, and bear witness against the breaches of them, even to the death: and here it was likewise as hard to make them understand, that the covenants bound them to no opposition, but what was agreeable to their stations, and according to their ability and opportunities, yea, to nothing, but what, as Christians and baptized persons, they were bound to. As for their refusing to pray for the king, some of them indeed scrupled the terms 'God save,' as a bidding him God speed in his persecution, and as a term demanded of, and dictated to them for that purpose; and alleged the practice of the primitive Christians, not only in refusing to deliver up their Bibles when required, as a token of renouncing of Christianity, but even any other book or piece of paper, which in other circumstances they might have lawfully done. I do not remember that ever I conversed with one of the sufferers, and I talked with most or all who suffered until August 1685, who scrupled to pray for the king in their own terms, viz. for repentance and salvation to his soul. And as to their leaving their blood upon their enemies in general, or upon particular persons accessory to their trouble, I could never understand that they meant more by it, than the fastening a conviction upon a brutish persecuting generation, who vainly justified themselves as acting by law, and inferred, that not they, but the legislature were answerable if any injustice was done. Their practising and promoting separation, was the most unaccountable thing I observed in their way, and evidently came from their ignorance and narrow spiritedness, which brought them to think, that nobody could oppose evil and promote good, but in their way, and according to their scheme. This way breaches increased, and the little strength we had was quite broken; all charity was

swallowed up in misconstructing and condemning others: and even such, who went together in arms for defence of the gospel, rather hung than clave together; and some of the more judicious among them, what from the indifference of some, and the irregular heats of others, made the grave at Ayrs-moss, and other places, a very sweet sanctuary, and most welcome. In short, our condition for some time looked desperate; the ministry was contemned, and the more judicious quite discouraged in their endeavours to regulate the zeal of the weaker and more unexperienced set of people. It will still be found a dangerous thing for people to be prejudiced at their spiritual guides, and it is very hazardous for ministers to give either cause or occasion for people to stumble at them, and far more to foster prejudices in them; and I am of opinion, that few, or no good men have ever trode that path, but have very soon found themselves out-run in singularities, by those to whom they taught them, and have had returns of the same jealousy and distrust which they indulged as to others. This evidently appeared at this time I am giving you an account of."

When the accounts of this declaration came to the council, they write to Lauderdale, June 30th, "That they had with horror read the paper taken on Mr Cargill and Mr Hall, and excuse their not giving an account of it sooner to the king, for several reasons." They add, "while we are searching into this, a more execrable paper was sent in by the general, published at Sanquhar, after a solemn procession and singing of psalms by one-and-twenty men, with whom was Cameron. Of both which we send attested copies. There is a party of these villains in arms, about seventy horse, all clothed and mounted, most of them ruffians and the scum of the people; in quest of whom the general has sent several parties." They send also up the proclamation they emit this day, and desire the king's further directions. By a letter dated July 5th, "the king approves of what they have done, expects they will continue their diligence, and use all lawful means to bring these rogues to exemplary punishment. And to the end, that dutiful and loyal subjects may be informed, and have a just abhorrence of such principles and practices, the council are authorized to cause print and publish that covenant and declaration, with such other papers as they think fit to be published on this occasion." 1680.

The proclamation published June 30th, I have inserted below.* Reflections upon

* *Proclamation against Mr R. Cameron and others, June ult.* 1680.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting, forasmuch as Mr Richard Cameron, Cameron his brother, Mr Thomas Douglas, Mr Donald Cargill, and others their accomplices, have now at last shaken off all respect to our laws, and their allegiance itself to us their undoubted sovereign, and have entered into express and open combinations and covenants, wherein they most sacrilegiously do by a solemn oath, engage themselves to disown us and our authority, and declare it not only lawful, but a Christian duty upon all our subjects, to rise in arms against us, and to murder such as are in any trust or employment under us, declaring us an usurper, and that none should obey them who are in authority under us, but such as would obey the devil and his vicegerents, and that they will choose and set up magistrates who shall govern them according to the judicial law of Moses, and not according to the laws made by us or any of our predecessors: which covenant, with several most impious, scandalous, and seditious pamphlets, were taken from the said Mr Donald Cargill (one of their preachers) at the Queensferry, upon the third day of June instant. Likeas, the said Mr Richard Cameron, and his brother, and Mr Thomas Douglas, accompanied with several ruffians, and particularly John Vallange, brother-in-law to Robert Park one of the bailies of Sanquhar, Daniel M'Mitchell in Lorgfoot, Thomas Campbell son to Campbell late of Dalblair in Auchinleck parish, John Moodie brother to the miller at Cubs mill in the same parish, John Fowler sometime servant to the deceased Lindsay of Covington, Patrick Gamil son in law to Charles Logan messenger at Cumnock Mains, James Stuart son to Archibald Stuart at Causey-end, near to the earl of Galloway's house, Alexander Gordon called of Kilsture, Francis Johnston merchant in Clydesdale, Crichton son to Robert Crichton of Auchtitinch, now in Water-head, and others, to the number of twenty-one persons, did, upon the 22d of June, enter within the burgh of Sanquhar, with drawn swords and pistols in their hands, and after a solemn procession through the town, did draw up at the cross, and published and affixed upon the cross and other public places thereof, a most treasonable and unparalleled paper, disowning us to be their king, and defaming us with the very same names and designations used by the usurpers in

1680. it are the less necessary, because this plain disowning the king's authority was certainly irritating, and a colour for any severities that may appear in it against the persons named, who no doubt had laid their account with the worst the government could do against them: yet it is evident, the first branch of the narrative

---

their greatest rage, after they had murdered the king, our royal and blessed father of eternal memory, and overturned all the fundamental laws and rights belonging to us and our subjects, whose principles and footsteps they exactly renew and follow. The reading and affixing of which proclamation, by these traitors and rebels, being clearly proved to our privy council by witnesses upon oath; *and it being* notour and undeniable, that these traitors, to the number of seventy, or thereby, continue in arms, committing all manner of outrages and insolences: we have therefore, with the advice of our privy council, thought fit, as use is in such cases, to declare the said Mr Richard Cameron,
Cameron his brother, Mr Thomas Douglas. Mr Donald Cargill, John Vallange, Daniel M'Mitchel, Thomas Campbell, John Moodie, Patrick Gamil, James Stuart, Alexander Gordon, Francis Johnston, and Crichton, open and notorious traitors and rebels against us and our authority, empowering and requiring all our good subjects to treat them as such; and particularly we hereby require and command all our good subjects, as they will be answerable upon their allegiance, to do their utmost diligence to discover the said traitors, and to give timeous intimation with all possible speed, in case they be not able to seize and apprehend them themselves, to the nearest officer of our standing forces, (if any be within twelve miles) and if *none be within* the said distance, to the next magistrate, commanding all persons to concur with our forces for apprehending the said traitors. And to the effect the harbourers and resetters, or those who neglect to discover them, may be known and punished, we do require the haill heritors, or their bailiffs, or chamberlains in case of the heritors' absence, to cause call and cite before them in a court, all persons living upon their respective lands, men, or women, above the age of sixteen years, in all the parishes undernwritten, viz. Carsphairn, Balmaclellan, Dalry, Kells, Bar in Carrick, the Moor-kirk of Kyle, Galston, Loudon, Tindergarth, Strathaven, Lesmahago, Sanquhar, Irongray, Glencairn, Cumnock, Monigaff, and Penningham, upon the second and last Tuesdays of July and August next; and to take the oaths of all the said persons living upon the respective lands, whether any of these traitors foresaid were in that parish, and where and when: and lest they may pretend not to know the said traitors, that they discover upon oath, any skulking or lurking persons, which they have known to have been in that parish, after the publication hereof in the respective shires, and the heritors or their bailiffs, and chamberlains in their absence, to give an account of their diligence in writing, within eight days after each diet foresaid, to the sheriffs, stewarts, bailies of regalities, magistrates of burghs, and shall adjoin thereto the following declaration upon oath.

I do solemnly swear by the eternal God, that I have truly and faithfully examined upon oath, the whole persons, men and women, living upon my lands, who compeared, who are above the age of sixteen years, whereof I am heritor, bailiff, or chamberlain, *within* the parish of and that I caused my officer give execution upon oath, that he did cite all the said persons to the aforesaid diets, and have given an account of the persons who compeared not, or, compearing, refused to give oath.

And in case the said traitors should leave and dishaunt the above named parishes, and repair to other parishes or places, that immediately, upon notice from the lieutenant general, or any authorized by him, to the sheriffs and other magistrates of the respective burghs; where, from time to time, they resort, the said magistrates are ordained to make intimation to the heritors, or their bailiffs, or their chamberlains in their absence, to the end they may make the same inquiry after the same way and method, and to return an account of their diligence, within two months after such intimation from the lieutenant general, as aforesaid; with certification that such as compear not and depone, shall be holden and repute as connivers at, and concealers of the said traitors; and that the heritors, or, in their absence, their bailiffs and chamberlains, who shall not return this account to the said respective magistrates, as aforesaid, or their deputes, and the said magistrates, who shall not return their accounts to our council, *the* first council day in August. for their diligence in July, and the first council day of September, for their diligence in August, shall be proceeded against with all rigour, as connivers at, and concealers of the said traitors. And further, we do hereby require and command all sheriffs, stewarts, bailies of regalities, and magistrates of burghs where the said traitors use to haunt or resort, to raise such persons in their respective jurisdictions, as they shall find necessary for that service, for whom they will be answerable; and that the sheriffs and other magistrates foresaid, require the assistance of the commissioners of the militia, in their respective jurisdictions; and to search for, take, and apprehend the said traitors in their respective bounds; and in case they flee forth thereof, to advertise the neighbouring sheriffs, and other magistrates, who are appointed to do the like diligence, conform to the 144 act, 12 parl. king Jam. VI. And if in pursuit of the said traitors, they resisting to be taken, any of our said magistrates, or other our good subjects, shall happen to kill or mutilate them, or any of them, we do hereby declare, that they, nor none assisting them, shall ever be called in question, or pursued civilly or criminally *therefore in time coming*; but that these presents shall be as sufficient for their exoneration, as if they had our special remission, and that their doing thereof shall be repute good and acceptable service done to us. And for the better encouragement of such as shall apprehend and bring in the said traitors dead or alive, the apprehender of Mr Richard Cameron shall, as a reward, have five thousand merks; and for Mr Thomas Douglas, Mr Donald Cargill, and for the said Cameron brother to Mr

runs on what is not matter of fact, viz. that Mr Cameron, his brother, and Mr Douglas had entered into that covenant taken at Queensferry, out of which the expressions are cited. This is but a fetch to expose those people more, and it is certain that paper was never finished, far less entered into; it is but too ordinary in public papers of this period, to load the whole of a society with that which any of them does, and others also who are no way concerned. The method laid down by the council for discovering these declared traitors, appears most improper, and needlessly vexatious to the lieges, and for what I know, was never used in any well ordered government. The setting a price upon traitors' heads, and offering a reward to such as shall discover them, hath still been reckoned sufficient; but this method is new and unreasonable, to put all men and women, above the age of sixteen years, in so vast a bounds as is mentioned in the proclamation, 20,000 or 30,000 persons, to their oaths, if they saw any of them, and to discover any lurking and hiding persons, under the pain of being repute traitors themselves. Many worthy persons were at this time forced to hide and lurk, no way concerned in this declaration, whom a good many of the inhabitants of these places would by no means inform against, and so did not compear at the courts appointed. The heritors are obliged to give their returns upon oath, and so new vexation came to many innocent and religious people, who had no share in this declaration. Thus the land mourned because of swearing; and oaths, unnecessarily multiplied, lost their design, and the Lord's name was profaned. Indeed at this time the solemnity of an oath, the great tie of human society, and basis of civil government, was so weakened, and people's consciences debauched, with so many, and sometimes contradictory oaths, that atheism and irreligion broke in like an overflowing flood, and all bonds were loosed: and as if this had been too little, the same imposition of swearing all persons, is extended over all the kingdom, in case the suspected persons go out of the places named. Besides all this, five thousand merks are offered to any who discover Mr Richard Cameron, and three thousand for Messrs Cargill, Douglas, &c. Perhaps it is scarce worth while to add, that ten thousand merks are offered for the discovery of the murderers of archbishop Sharp, and but three thousand for these reputed murderers of the king. After all I question if Mr Thomas Douglas was at Sanquhar. I find no accounts of any preaching in the fields after Bothwell, except Messrs Cargill and Cameron; yea, Mr Cameron, in one of his papers before me, complains, that he applied to several ministers not indulged, to preach with him, but says, none would join, the times being so very hazardous. 1680.

Jointly with this proclamation, the council take surer methods than that of oaths, for reaching such whom they had declared rebels, and order most part of the standing forces to the west and south. I find seven troops of horse, with a regiment of foot, in Galloway, and the adjacent places, under the earl of Linlithgow, major Cockburn, Strachan, Claverhouse, and others. They pretended to seek after Mr Richard Cameron, and his followers, but under this colour, all were again oppressed who had been at Bothwell, or had been denounced fugitives for noncompearance at courts. And in short, all nonconformists to prelacy were harassed, the whole country was depopulated, and dreadful oppressions and severities committed.

The general now having the army at his command, without waiting the council's orders, I cannot give their motions from the registers as formerly. But June 30th, I find the council recommend to him to

---

Richard, who read and affixed the said traitorous declaration at Sanquhar, three thousand merks for each of them, and one thousand merks for each one of the rest of the traitors above mentioned, to be instantly paid to them by the commissioners of our treasury. And ordain these presents to be printed, and published at the market-cross of Edinburgh, and market-crosses of the remanent head burghs of the several shires of this kingdom on the south side of the water of Tay, and other places needful, by the sheriffs of the respective shires foresaid, that none pretend ignorance. Given under our signet at Edinburgh, the last day of June 1680, and of our reign the thirty second year.

Per actum Dominorum secreti concilii.

WILLIAM PATERSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

1680. order out the forces in different parties, to search for and apprehend the persons named in the proclamation, and bring in them and their accomplices dead or alive, and that he call such of the nobility and gentry as he shall see fit, with their dependents, to his assistance. They also write letters to the sheriffs in the west and south, "That it belongs to their office to prosecute rebels and traitors, till they apprehend them, or drive them out of their bounds, and for that end to call the heritors and freeholders to their assistance, and they are required so to do, as they would show their zeal for his majesty's service." Under all this, it was time for the people who were concerned in Sanquhar declaration, to look to themselves, and some few got together merely to defend themselves. I find from the justiciary-registers in the process against Potter and Stuart, November this year, which shall be noticed in its own place, that a little before Ayrs-moss, and after Sanquhar declaration, Mr Richard Cameron, his brother, the said Potter, Stuart, and about thirty others, did enter into a mutual league for their mutual defence, the original whereof signed by those persons was produced in that process, and I shall insert it here as its proper room.

"We undersubscribers bind and oblige ourselves to be faithful to God, and true to one another, and to all others that shall join with us in adhering to Rugland testimony, and disclaiming the Hamilton declaration, chiefly because it takes in the king's interest, which we are loosed from by reason of his perfidy, and covenant breaking, both to the most high God, and the people over whom he was set, upon the terms of his propagating the main ends of the covenants, *to wit*, the reformation of religion, and instead of that, usurping to himself the royal prerogatives of Jesus Christ, and encroaching upon the liberties of the church, and so stating himself both in opposition to Jesus Christ the Mediator, and the free government of his house; as also in disowning and protesting against the reception of the duke of York, a professed papist, and whatever else hath been done in this land, (given to the Lord,) in prejudice of our covenanted, and universally sworn to reformation. And although as the Lord, who searcheth the heart, knows we be for government and governors both civil and ecclesiastic, such as the word of God and our covenants allow, yet by this we disown the present magistrates, who openly and avowedly are doing what in them lies, for destroying utterly our work of reformation from popery, prelacy, erastianism, and other heresies and errors; and by this we declare also that we are not any more to own ministers indulged, and such as drive a sinful union with them; nor are we to join any more in this public cause with ministers or professors of any rank, that are guilty of the defections of this time, until they give satisfaction proportioned to the scandal and offence they have given."

This league and combination, as the registers term it, is much of the temper with Sanquhar declaration, only it seems about thirty of them subscribed it, and it went no further. One needs not be surprised to find them taking all the precautions they can for their mutual safety, and yet it seems, very few joined in this league and association, anent which I know no more but what I have set down.

Meanwhile, great numbers of soldiers were quartered upon country families, and where they lodged one night, they eat up as much provision as they could, and brought in sheep and cows and killed them, without paying any thing; they put their horses into the meadows and the standing corn, and either eat them up, or trode them down; any horses they saw feeding, or found in houses, they seized, and made the owners pay their worth, or took them with them. All the houses in their route were perfectly spoiled, and one troop and company coming upon the heels of another, any thing left by the first, was quite consumed by the after comers. Dreadful were the ravages they made upon the Sabbath days throughout all the country round them. I have seen sums of almost incredible losses sustained this way, in the parishes of Carsphairn, Dalry, Balmaclellan, Corsmichael, and many other places whither the soldiers came.

While the soldiers are thus ranging up and down, the rencounter at Ayrs-moss, in the parish of Auchinleck in Kyle, falls in July 20th this year. The advantages got there by the regular forces, both encouraged them, and very much discouraged the sufferers. It is but a very imperfect account of this I can give, and to suppply the want, I have subjoined* Hackston of Rathillet his account of it, in a letter to his friend, July 25th.

All I need further notice is, that Mr Richard Cameron, Rathillet, and the few persons with them, were very unprovided, and perfectly surprised by Earlshall and his party; the king's soldiers were trained, well armed, and, generally speaking, horsemen, and numerous. The party accidentally with Mr Richard Cameron, were but twenty-three horse, and 1680 forty foot, very ill armed, expecting no such attack. Earlshall had more than double horse to those who were with Mr Cameron, and general Dalziel, and the most part of the forces were very near. The country men posted themselves upon the entrance to a moss, resolving to charge the king's party briskly when they came up. This the horsemen did, and broke through the first line, killing severals; but their foot not advancing, but only firing, the few horse were quickly surrounded by their enemies, who fought desperately, neither asking nor giving quarters. Hackston of Rathillet, whose horse stuck in a bog, and he being perfectly disabled by wounds, with some others, were

---

* *Rathil'et's Account of Ayrs-moss.*

We getting notice of a party out seeking us, sent two, on Wednesday night late, to know their motion, and lay on a moor-side all night, and Thursday, about ten hours, we went to take some meat, and sent out other two, and desired them to consult with the first two, who had not come to us, but were lying down to sleep, who all four returned and told us, it was unnecessary to send any for intelligence, they having secured it. Whereupon, after we had gotten some meat, we came to a piece of grass, and lay down, and presently we were all alarmed that they were upon us, and so making ready, we saw them coming fast on, and that about three or four hours in the afternoon, and each one resolving to fight, I rode off to seek a strength for our advantage, and being desired by a country man to go into such a place for the best strength, I went, and they followed; but coming to it, I found we could go no further, and so turning and drawing up quickly, eight horse on the right hand with R. D. and fifteen on the left with me, being no more, the foot not being forty, and many of them ill armed, in the midst, I asked all if they were willing to fight, who all said yes, especially J. G. The enemy advanced fast, whom I took to be above an hundred and twelve, well armed and horsed, who sending first about twenty dragoons on foot, to take the wind of us, which we seeing, sent a party on foot to meet them, and the rest of us advanced fast on the enemy, being a strong body of horse coming hard on us, whereupon, when we were joined, our horse fired first, and wounded and killed some of them, both horse and foot. Our horse advanced to their faces, and we fired on each other; I being foremost, after receiving their fire, and finding the horse behind me broken, I then rode in amongst them, and went out at a side without any wrong or wound. I was pursued by severals, with whom I fought a good space; sometimes they following me, and sometimes I following them. At length my horse bogged, and the foremost of theirs, which was David Ramsay, one of my acquaintance; we both being on foot, fought it with small swords without advantage of one another; but at length closing, I was stricken down with three on horseback behind me, and received three sore wounds on the head, and so falling he saved my life, which I submitted to. They searched me, and carried me to their rear, and laid me down, where I bled much, where were brought severals of their men sore wounded. They gave us all testimony of brave resolute men. What more of our men were killed I did not see, nor know, but as they told me after the field was theirs. I was brought towards Douglas. They used me civilly, and brought me drink out of an house by the way. At Douglas Janet Clellan was kind to me, and brought a surgeon to me, who did but little to my wounds, only stanched the blood. Next morning I was brought to Lanark, and brought before Dalziel, lord Ross, and some others, who asked many questions at me: but I not satisfying them with answers, Dalziel did threaten to roast me; and carrying me to the tolbooth, caused bind me most barbarously, and cast me down, where I lay till Saturday morning, without any, except soldiers, admitted to speak to me, or look my wounds, or give me any ease whatsomever. And next morning they brought me and John Pollock, and other two of us, near two miles on foot, I being without shoes, where that party, which had broken us at first, received us. They were commanded by Earlshall. We were horsed, civilly used by them on the way, and brought to Edinburgh, about four in the afternoon, and carried about the north side of the town, to the foot of the Canongate, where the town magistrates were who received us; and setting me on an horse with my face backward, and the other three bound on a gad of iron, and Mr Cameron's head carried on an halbert before me, and another head in a sack, which I knew not, on a lad's back; and so we were carried up the street to the parliament-closs, where I was taken down, and the rest loosed.

1680. taken. The foot received little or no hurt, retiring into the moss, whither the soldiers could not follow. The soldiers owned that the country men behaved themselves with the utmost bravery, and very few of them who engaged escaped, being overpowered with numbers, and the king's horse being in good tift.

Mr Richard Cameron was killed upon the spot, and his head and hand cut off by Robert Murray, and carried in to the council, who ordered them to be set up on the Nether-bow Port in Edinburgh. I need add little as to his character; he appeared with much warmth against the indulgence, and when licensed, mostly by the interest of Mr John Welsh, who was very far from approving the heights he went to, he was the first who preached separation upon that score. He went over to Holland before Bothwell, and was indefinitely ordained; and when he came home, none of the ministers joined him save Mr Donald Cargill. Several meetings of ministers used their utmost endeavours to divert him from preaching separation, but did not prevail. Henry Hall was with him in most of these conferences, and very much supported him. His brother Michael Cameron was likewise killed in this engagement, as also captain John Fowler, John Gemble, John Hamilton, Robert Dick, Thomas Watson, and Robert Paterson in Kirkhill of Camnethan, of whom I have the character that he was a singularly pious and zealous youth. James Gray younger of Christon, son to James Gray of Christon in Calder parish, was likewise killed. I have his character from a person of very good sense, who knew him fully; and he signifies to me, "that though these men and their conduct at Ayrs-moss have been very meanly spoken of, yet he can assure me several of them were worthy persons; and particularly Mr Gray was a youth of good parts, high courage, and pious from his infancy; at that time he was swallowed up of his zeal for, and sympathy with the truths and people of God; and being a sturdy healthy man, in the heat of his youth, he could not be off the field of action, where any was; yet he was sorely crushed, and broken with the divisions of the time. Mr Cameron was observed to pray, when under the views of this engagement, 'Lord, take the ripest, and spare the greenest;' and this was evidently to be seen in this youth, he was drop-ripe for this change, burdened in spirit with the evils and breaches of this time, and he most forwardly engaged. The soldiers owned he was the person who mauled them most. Several of his companions there were of his temper, and the ripest were indeed taken. We want not other instances of pious persons, essaying impracticable things, and perishing in the attempt, which flowed from zeal, and was mixed with self-resignation, and they have been rather esteemed heroic, than mad and irregular.*

---

* We have been favoured with an original Poem, on the death of Cameron and others at Ayrs-moss, and while the intrinsic excellence of the piece will recommend it at any time, and in any circumstances, we have no doubt that its insertion here will be considered by our readers as an agreeable relief in the progress of the history.

THE VISION.

A Poem on the slaughter of Mr Richard Cameron, and others at Ayrsmoss, on the 22nd of July, 1680. Written by an Ayrshire shepherd lad.

In a dream of the night I was wafted away,
To the muirlands of mist, where the martyrs lay;
Where Cameron's sword and his Bible are seen,
Engraved on the stone where the heather grows green.

'Twas a dream of those ages of darkness and blood,
When the minister's home was the mountain and wood;
When in Wellwood's dark valley the standard of Zion,
All bloody and torn, 'mong the heather was lying.

'Twas morning; and summer's young sun from the east,
Lay in loving repose on the green mountain's breast;
On Wardlaw and Cairntable the clear shining dew,
Glisten'd sheen 'mong the heath-bells, and mountain flowers blue.

And far up in heaven, near the white sunny cloud,
The song of the lark was melodious and loud,
And in Glenmuir's wild solitudes, lengthen'd and deep,
Were the whistling of plovers and bleating of sheep.

And Wellwood's sweet valley breath'd music and gladness,
The fresh meadow blooms hung in beauty and redness;
Its daughters were happy to hail the returning,
And drink the delights of July's sweet morning.

But, oh! there were hearts cherish'd far other feelings,
Illumed by the light of prophetic revealings,
Who drank from the scen'ry of beauty but sorrow,
For they knew that their blood would bedew it to-morrow.

'Twas the few faithful ones who with Cameron were lying
Conceal'd 'mong the mist, where the heath-fowl was crying,
For the horsemen of Earlshall around them were hovering,
And their bridle reins rung through the thin misty covering.

Their faces grew pale, and their swords were unsheath'd,
But the vengeance that darken'd their brow was unbreath'd;
With eyes turn'd to heaven, in calm resignation,
They sung their last song to the God of salvation.

The hills with the deep mournful music were ringing,
The curlew and plover in concert were singing:
But the melody died 'mid derision and laughter,
As the host of ungodly rush'd on to the slaughter.

No doubt others were killed at this rencounter, but these are all I have any certain accounts of. There were taken prisoners David Hackston of Rathillet, who was, as we heard, present at the death of the archbishop, but would not be concerned any way in it. Likewise, one Manuel in Shots parish, who died of his wounds, and harsh treatment after them, just as he entered Edinburgh tolbooth; and John Vallange of the parish of Auchinleck, died of his wounds the day after he was brought to Edinburgh, most christianly and cheerfully, as I have it from a person of honour who was with him at his death. Besides these, Archibald Alison in the parish of Evandale, and John Malcom in the parish of Dalry, were taken, and, as we shall hear, were executed; and by one of Hackston's letters, I find another in prison with them for the same cause, John Pollock, who was put in the boots, and endured the torture with much firmness and cheerfulness; but I have no more about him. This is all the account I can give of this engagement at Ayrs-moss. The executions and persecution upon the back of it, will make up another section.

SECT. V.

Of those who were executed after Ayrs-moss, and other branches of persecution which followed it; of the Torwood excommunication, the proceedings of the council on it, and some more executions in the close of this year.

EVERY attempt of the oppressed to recover their liberty, when disappointed, increased their misery; and every struggle, when it cannot be gone through with, galls, and does but make the chains more uneasy: so it was after Pentland and Bothwell, and all the attempts for self-defence in the persecuted party. Thus it was after 1680. Ayrs-moss: those who were taken were executed as traitors; three of them within a very little after that scuffle, and two more in the close of the year. I come now to give some account of the government's procedure against them.

David Hackston of Rathillet was the most noted of the prisoners; and besides what hath been already dropped anent him, I shall only further remark, that he was a good gentleman in Fife, and once a comrade and intimate of the chancellor's. I am told he was without any sense of religion in his younger days, but getting good of the gospel preached in the fields, and having thereby a real and a thorough change wrought upon him, he left all to follow it, and at last sealed it with his blood. His letter, part of which is already inserted, and the rest printed already, Cloud of Witnesses, p. 26. gives some account of his trial; and what I now add shall be from the registers. Upon the accounts of his being taken, the council July 24th give the following orders about him. "The magistrates of Edinburgh are appointed, as soon as the body of D. Hackston of Rathillet is brought to the Water-gate, to receive him, and mount him on a bare-backed horse, with his face to the horse's tail, and his feet tied beneath his belly, and his hands flightered with ropes; that the executioner, with head covered, and his coat, lead his horse up the street to the tolbooth, the said Hackston being bare-headed; that the three other prisoners be conveyed on foot, bare-headed, after him, with their hands tied to a goad of iron: ordain the said executioner to carry the head of Cameron upon a halbert, from the Water-gate to the council-house; that no meat or drink be given to Hackston after he is in prison,

---

Though in mist, and in darkness, and fire, they were shrouded,
Yet the souls of the righteous were calm and unclouded,
Their dark eyes flash'd lightning, as firm and unbending,
They stood like the rock which the thunder is rending.

The muskets were flashing, the blue swords were gleaming,
The helmets were cleft, and the red blood was streaming,
The heavens grew dark, and the thunder was rolling,
When in Wellwood's dark muirlands the mighty were falling.

When the righteous had fallen, and the combat was ended,
A chariot of fire through the dark cloud descended;
Its drivers were angels, on horses of whiteness,
And its burning wheels turned on axles of brightness.

A seraph unfolded its doors bright and shining,
All dazzling like gold of the seventh refining,
And the souls that came forth out of great tribulation,
Have mounted the chariot and steeds of salvation.

On the arch of the rainbow the chariot is gliding,
Through the path of the thunder the horsemen are riding,
Glide swiftly, bright spirits! the prize is before you,
A crown never fading, a kingdom of glory!

1680. but what is prepared in the master of the tolbooth his house and given by him; that none speak with him, or any letters be conveyed to him; that the master of the tolbooth have a special care of his person, as he will be answerable, life for life." One of the bailies of Edinburgh, and John Vause master of the tolbooth, are called, and those orders given them. No reflections are necessary upon these severe orders. In the afternoon, he and the other prisoners were examined before the council, but the particulars are not insert in their books. July 27th they order the advocate to pursue a criminal process against him upon Thursday, and reserve the appointment of the time, and manner of his execution to themselves.

By other accounts, I find that upon the 21th of July, he was brought before the council, and though he answered very boldly, and with much openness, without the least reserve, yet they threatened him with torture; which, as it was inhumane and unjust in most cases, so it was barbarous in his; for his wounds were many, and his bodily pain and weakness very great; yet being a person of extraordinary courage and boldness, the threatening did not at all move him. He declined their authority, and refused to sign his declaration; and, if I mistake not, he was the first of the sufferers of this period who refused to own the king's authority.

July 29th, the council, the day before Rathillet's trial, determine the manner of his execution: they well knew his judges would find him guilty, yet this seems an extraordinary step. It stands in their books as follows. "That his body be drawn backward on a hurdle to the cross of Edinburgh; that there be an high scaffold erected a little above the cross, where, in the first place, his right hand is to be struck off, and, after some time, his left hand: then he is to be hanged up, and cut down alive, his bowels to be taken out, and his heart shown to the people by the hangman; then his heart and his bowels to be burned in a fire prepared for that purpose on the scaffold: that afterwards his head be cut off, and his body divided into four quarters: his head to be fixed on the Netherbow, one of his quarters, with both his hands, to be affixed at St Andrews, another quarter at Glasgow, a third at Leith, a fourth at Burntisland; that none presume to be in mourning for him, or any coffin brought; that no person be suffered to be on the scaffold with him, save the two bailies, the executioner, and his servants; that he be allowed to pray to God Almighty, but not to speak to the people: that the heads of Cameron and John Fowler be affixed on the Netherbow: that Hackston and Cameron's heads be fixed on higher poles than the rest." These orders, with such as were before given at his coming into Edinburgh, are so spiteful, inhumane, and barbarous, that I wonder how they were fallen upon by the managers, or what they could design by them.

In the books of justiciary, I find his process, July 30th. "He is indicted, for being at Bothwell-bridge in the form above narrated, and for drawing, with Mr Richard Cameron and Mr Donald Cargill, two treasonable papers, the fanatics' covenant taken at Queensferry, and the Sanquhar declaration; that in July instant, he attacked and fought with a part of his majesty's forces, commanded by the laird of Earshall, and thus levied war against the king; and that upon May 3, 1679, he assaulted James Archbishop of St Andrews, discharged several shots at him and his daughter, and when he came forth, and on his knees begged mercy, so inhumane and sacrilegious was he, that he pitied not his gray hairs, nor the shrieks of his daughter, but murdered him on the place; and, in token of his guilt, did not compear at the head town of the shire, when ordered so to do by the council's proclamation, upon the pain of being counted accessary to that murder; and that he had declined the authority of the justiciary, and of his majesty." It seems he had compeared before the justiciary, July 28th, and declined them; and for probation, his declinature is adduced by the advocate, as follows. "Edinburgh, July 28th, in presence of the lords of justiciary, compeared David Hackston of Rathillet, and declares he declined the king's authority, and the authority of the commissioners of justiciary, as his judges, and obstinately refuses to sign this declinature, as

being before persons who are not his judges: he refuses to answer anent the murder of the late archbishop of St Andrews; and adds, that the reasons of his declinature are, because they have usurped a supremacy over the church, belonging alone to Jesus Christ, and have established idolatry, perjury, and other iniquity in the land; and, in prosecuting their design, and in confirming themselves in their usurped right, have shed much innocent blood: therefore, he, as adhering to Christ his rights and kingly office over the church, declines them who are his open enemies and competitors for his crown and power, as competent judges, and refuses to sign his declinature dictated from his mouth. Upon which the advocate takes instruments, and requires the lords to sign it in his presence; and the advocate further takes instruments, that the pannel caused delete the word, 'refuses to deny,' and made it run, 'refuses to answer' as to the murder of the archbishop of St Andrews." Extracted, &c. For further probation, Andrew Bruce of Earlshall, and a soldier, depone as to Ayrs-moss. William Wallace, servant to the late archbishop, depones, he searched the house of Morton, and Rathillet's sister told him, her brother and Balfour of Kinloch had been there, and at the murder. Abraham Smith, servant to the late archbishop, depones, he saw the pannel on a light coloured horse, at some distance from the coach, and that he took the same horse in Morton house, and hoped to have taken the pannel there, who escaped. Rathillet, when in the pannel, again declined the king's authority, and adhered to his former declinature, and charged the lords, who should condemn him, to answer for his blood; and refused to answer or deny any thing anent the archbishop's death: and being questioned, if he made his escape out of the house of Morton, when pursued by the archbishop's servant, refused to answer; but declared he had made many as remarkable escapes as that was within these two years.

The assize brings him in guilty, and the lords sentence him to die that day, at the cross of Edinburgh, in the manner we have heard. The sentence was executed with great solemnity and severity, though he was a gentleman of good descent, 1680. excellent parts, and remarkable piety, and his body terribly mangled, and he dying of his wounds. After his hands were cut off, which he endured with great firmness and patience, he was drawn up to the top of the gallows with a pulley, and, when choked a little, let down alive within the hangman's reach, who opened his breast with a knife, and pulled out his heart, which moved upon the scaffold. Then the executioner stuck his knife in it, carried it about the stage, and showed it to the spectators, crying, 'Here is the heart of a traitor.' And then the rest of the sentence was executed, as above. What he left behind him, which he would have spoken at his death, if permitted, hath been once and again printed, and I swell not this work with it. This barbarous procedure did very much discover the malicious temper of his persecutors, and embittered the spirits of a great many.

Upon the 4th of August, I find the other two men, who had been taken at Ayrs-moss, before the justiciary, John Malcom of the parish of Dalry in Galloway, and Archibald Alison of the parish of Evandale in Clydesdale. Their indictment runs in common form. They confess they were at Bothwell-bridge, and at Ayrs-moss, and receive their sentence to be hanged at the Grass-market upon the 11th of August. That day, or, as other papers make it, the 13th, they were executed, and died in great assurance and comfortable hopes of well-being. Their speeches and testimonies are lately printed in the Cloud of Witnesses, and so I have passed them here. Thus all were cut off whom they catched at Ayrs-moss. We shall presently meet with some others dying for being there, who fell into their hands afterwards.

When thus the managers had despatched as many as they could of that inconsiderable handful, surprised and dissipated at Ayrs-moss, this did not prevent their going on in harassing and spoiling the country. Many parties of the soldiers had fresh orders given them to search up and down, and quarter in different parishes in the west and south, that they might be in

1680. readiness, and at the catch, when any of the persecuted party were heard of. Thus I find captain Inglis, with his troop of dragoons, in August and September, sometimes in one parish, and sometimes in another, for some weeks making the most diligent search for persons who had been hearers of Mr Cameron, or yet heard Mr Cargill. And I cannot help observing more than once, because it frequently falls in my way, that upon every new incident which exasperated the government, and brought the merciless soldiers upon the poor country, they not only looked after the persons suspect to be guilty as to what they came to search after, but went as far back as Pentland, yea, I may say, the restoration; and all nonconformists, every body suspected to have been at Pentland, all intercommuned persons, conversers with them, every one who was alleged to have been at Bothwell, and all noncompearers at courts, yea, the very families and relations of such, felt their fury and violence. In the parish of Carsfairn, I find Inglis with his men persecuting violently in September. Parties were continually searching, by night and day, in that and the neighbouring parish of Dalry, for such who had been hearers of Mr Cameron. The soldiers were particularly set upon the finding out of John Frazer, and John Clark, two pious worthy country men, who, they alleged, had been very intimate with Mr Cameron. Frequently the soldiers missed them very narrowly, and these two, as well as many others, were trysted with very remarkable and providential deliverances, from those who were hunting after their life. Several instances whereof are before me. Robert Cannon of Mardrogat, who once had a profession of zeal and seriousness, was singularly useful to the soldiers in discovering the haunts and hiding places of the wanderers. This man, as we have heard, was at Pentland, but was lately gained by the managers, and now turned profane and wicked: his lewdness, blasphemy, cursing, swearing, cruelty and dissimulation, were notour in that country; and, as apostates generally are, he was very bloody. He got money at Edinburgh, and undertook to lead the soldiers to Mr Richard Cameron. And when the duke of York came down this winter, he made his boast, that he had directed Earlshall to him, but for any thing I can find, without any ground; for the rencounter was unforeseen. About this time Cannon is made collector of the cess and excise in Carsfairn, and the neighbourhood; and Inglis, Livingstone, and other commanders of the parties who ravaged up and down, made their searches, and did every thing almost by his direction. In their searches through that country the soldiers used to gather, and where they were unwilling, to seize all the men in the several country houses and villages, and bring them together to one place, then Cannon was sent for, and he knowing many of them, and the sufferers in those bounds, they were kept or let go according to the information he gave about them. And many such informers there were at this time, in divers places up and down. Courts were held, when these searches were making for Mr Cameron's followers, in the terms of the proclamation last spoken of. The most part of the heritors were unwilling to obtemper the proclamation, and the officers of the forces took this work in their hands, and great multitudes were put to their oath in a most arbitrary manner, and their inquiries were extended to all the branches of nonconformity. The officers made their mercat upon absents and such as came not. Courts of this nature were held at New Galloway, and other places this harvest.

Meanwhile, Mr Donald Cargill, the other minister concerned in Sanquhar declaration, and now the only remaining preacher at field-conventicles, is wandering up and down as he best might, and now and then preaching in places at greatest distance from the soldiers. In September this year, he had a large meeting at the Tor-wood in Stirlingshire, where, without any concert, and to the surprise of many, he pronounced the sentence of the highest excommunication upon many of the most eminent persecutors of the Lord's people. This step of his was approven by none that I know of, but his own followers, who now set up themselves in distinction from the rest of the presbyterians in Scotland, and

refused to partake in ordinances dispensed by any presbyterian minister, till Mr James Renwick came home to them from Holland, about three or four years after this. The abstract of this unprecedented excommunication, plainly disagreeable to the rules of this church, and our known presbyterian principles, the reader will find in the IIInd let Loose, page 138, and the form of it, in the Cloud of Witnesses, page 265.

By papers before me, I find Mr Cargill lectured, after a preface wherein he gave some account of his design, upon Ezek. xxi. 25, 26, 27, and preached from 1 Cor. v. 13, and then went forward to denounce the highest sentence upon the king, the duke of York, the dukes of Monmouth, Lauderdale, and Rothes, general Dalziel, and the advocate. And in the afternoon, he preached from Lam. iii. 32. I shall give no abstract of the sermons, we may easily guess the strain they ran upon.

This step of Mr Cargill's hath been matter of much reproach and ludibry to the enemies of the church of Scotland, whereas they do but expose themselves in charging it upon other presbyterians, since every body knew Mr Cargill was perfectly alone in this matter. However, I cannot but remark here, that the jeerings and scoffs upon this step, came very awkwardly from the mouths and pens of the asserters of the hierarchy and canons, and advocates for the practices of the church of England. Both our Scots canons 1636, and the English canons begin with anathemas against all who do any thing against the government by archbishops and bishops, &c. by which, not only the parliaments of both kingdoms, but even their blessed martyr king Charles himself, *ex post facto*, comes in under their solemn excommunication. And in Ireland and elsewhere, they did actually excommunicate many worthy ministers, and others eminent for religion, learning, and usefulness; to say nothing of the slur this casts upon all the reformed churches. Neither shall I add any thing upon these people's common prostitutions of that awful and tremendous sentence, in cases which relate to the smallest trifling civil matters, while in the meantime the lesser excommunication, the rail our Lord hath set about the holy mystery of his supper, is perfectly neglected, and people every way unfit, forced to participate, as a test for their admission to civil places. I know these scandalous prostitutions of holy things, are a burden to the better sort in England and Ireland; yet the reflection upon them, and their own share in continuing these abuses, ought, methinks, to silence the high fliers, and restrain them from their invectives upon presbyterians, as to this matter I am now upon. These observes are not made to vindicate Mr Cargill's practice, but, if possible, in time coming, to prevent railing against this church upon this score, who are indeed no way concerned in it. And it was pronounced upon persons of a quite different character and practice from such, whom the persons they admire have anathematized. After all it was observed, that most of the persons excommunicated at this time, had somewhat remarkable in their exit, though that may be far better lodged at the door of their own loose lives and practices, than of this sentence. This step did further exasperate the government against the persecuted party, yea, though very groundlessly, against all presbyterians. 1680.

Towards the end of this year there are others executed for field conventicles, and being at Ayrs-moss. After the duke of York came down in October, the persecution turned yet more severe. I shall only hint at the processes of Mr Skene, Archibald Stuart, and John Potter, and leave several other things might be brought in here, to the last section.

Mr James Skene, brother to the laird of Skene, in Aberdeenshire, was seized in November. He was but lately brought over to follow the gospel preached by presbyterian ministers; and coming south not many weeks ago, fell in with some of Mr Cargill's followers, and upon hearing him was much taken, and for some little time he haunted his sermons, but was no way concerned in Bothwell, Ayrs-moss, or Torwood excommunication, these all being before he came south. He was soon informed against, and taken up as a hearer of Mr Cargill. When brought before the

1680. council, he could only be staged for hearing Mr Cargill, which he owned, as likewise his opinion anent the lawfulness of the rising at Bothwell, and Ayrs-moss, and did not disapprove of the Sanquhar and Queensferry papers. Upon which he was remitted to the justiciary to be tried for his life, though, except in point of opinion, he was accessary to none of these. His examination, letters, and testimony are lately published in the Cloud of Witnesses; and some of his ways of expressing of himself as to those heads he was but lately acquainted with, in his fervent zeal, are so liable to exception, that the collectors of that book find it proper to caution their readers with some marginal notes, for clearing the sense in which they would have them taken. I am very unwilling to say any thing that may seem harsh upon the expressions of any of these, who, from a sincere regard to the truth, suffered in this period; no doubt some of them were liable to mistakes in some things; for my share, I cannot but lothe the severity, craft, and cunning of the persecutors, which drove them to such a length in those matters, which I yet cannot see how to vindicate. Certainly there is a remarkable difference betwixt the testimonies of those who died after Pentland, and, generally speaking, till this year, and these which now come upon the field; and sometimes I wonder to find some zealous and serious persons, after this, in their papers adhering to the testimonies given at Pentland, and yet now running to a strain far different from these. No doubt matters were considerably changed to the worse in fourteen years' time, but as far as I can yet see, the principles now advanced, would have led the owners of them some further than these who went before saw proper to go, had they suffered in their time. As to such who drew these testimonies, I am apt to think, they were so straitened in prisons and irons, and hindered from a full pondering of what they left behind them, by the deep impressions they were under of the wickedness of the present courses, that they have not adverted to the considerable difference betwixt the former testimonies and theirs. Others of the sufferers, who were not indeed in case to draw papers themselves, and I am informed, had their testimonies writ for them by some of the warmest of their way, and approved the draught when read to them, are yet less to be considered here. I am apprehensive the common enemies to, and slanderers of these sufferers will notice this, as likewise their waving of several things before the council and justiciary, in which they came to be very positive when going into eternity, now when they are at such length published in the Cloud of Witnesses; otherwise I should have been altogether silent upon this head. And therefore upon this occasion, once for all, I take the liberty to notice, that the party who published them, and the collectors of the Cloud of Witnesses, have not duly considered the consequences of propaling such a collection of letters, answers, and testimonies, in such an age as this is, and what advantages their adversaries, and the common enemies of religion may make of several expressions in them now made public; and however they may please themselves with the thoughts, that their own party is strengthened, by picking out, and exposing to the world the papers in that book, and passing not a few of a more moderate strain, yet I am obliged to add, that I fear in the issue it be no great service to the interests of religion, and the kingdom of Christ. I know defences and explications may be given of unguarded expressions, which may give the greatest handle to such who seek it; but I doubt if even these will fully take off what may be objected against them. It is certain, and they know it better than I, that Mr Renwick himself, and others when they came to more calm and solid views of matters in their after papers, smoothed several expressions in the declarations and testimonies of this day, and gave the sense, wherein they approved and adhered to them in far more moderate expressions; and one would have expected that when it did appear that such unguarded ways of speaking were known to be matter of reproach and upcast to enemies, as well as sorrow and offence to friends, such a collection wholly upon the one side, would not have been printed and published;

yea, I am of opinion, the exposing them as they have done, will be of no service to themselves, considered as a party. They have indeed the assurance, pref. p. 21, to score off the noble earl of Argyle, and other worthies, from the number of sufferers for presbyterian government, allowing them to be martyrs for the protestant religion, because their testimonies (as they conceive) were not concerted according to the true state of the quarrel. But I am persuaded, this innuendo will never lessen the fixed and glorious character of those excellent persons; however, it may give some people who wish none of us well, occasion to say, that the state of the quarrel they are so fond of, must be somewhat different from the protestant religion. The rest of the sufferers in this church, who adhered to the sound and real presbyterian and reformation principles of this church, must not (according to them) come in for a share in this state of the quarrel; and I am of opinion, they would not have been fond of stating their sufferings as some in this collection have done. I shall only wish that papists and prelatists may have no ground from what is gathered together here, to bespatter the protestant religion, and presbyterians in the general. I have made this reflection, not as a tach upon the persons who suffered in the period before me, for I am sensible much may be said in their defence, at least for alleviating what heights they went to, which, in the meantime, will not lessen the indiscretion of publishing all they have writ and said; but merely to prevent, if possible, the ill consequences which may follow to religion in general, and to take away any occasion some may hence take of charging this church with what is now published, as the sentiments of presbyterians.

But to return to Mr Skene, I shall first give what hints I meet with in the council-records about him and his fellow-sufferers, and then the state of their process from the justiciary-books. November 13th, the council meet extraordinarily, upon notice that some prisoners are sent in by the general; and James Skene, Archibald Stuart, and John Spreul, are before them, and examined. Their answers are not recorded, but said to be *in scriptis*. At this time, I find few of the examinations of persons before them are recorded in the registers, and so I can give the less account of them, save in cases when produced by the advocate before the criminal court, as proofs of their indictment. We shall afterwards meet with Mr Spreul, and one Robert Hamilton, processed with him, and I delay giving any account of them till it come in next year. At the same time, Harvey, a woman in Borrowstonness, is before the council; and refuses to answer. "They are all remitted to the justices, that they may call them before them in a fenced court, and take their judicial confession; and their confession before the council is ordered to be sent to the clerk of the justiciary. That same day, *post meridiem*, a commission is granted to the earl of Linlithgow, Perth, Lord Ross, treasure-depute, advocate, justice-clerk, and the general, to meet on Monday, and call before them James Skene, and the other prisoners, and if they find them disingenuous, as to the discovery of the harbourers of Mr Donald Cargill, that they examine them by torture, and report. November 15th, they report they had examined Archibald Stuart by torture, *prout in scriptis*. The council ordain him further to be examined, if John Spreul was in company with him, and Cargill, on Thursday last, and the advocate is ordered to form a dittay against James Skene upon his confession; and November 18th, warrant is granted to advocates to plead for Mr Skene and the other prisoners, and the magistrates of Edinburgh are permitted to allow them free prison and converse." Mr Skene is before the justiciary November 22d where he is indicted, "that he treasonably owned the rebels at Bothwell, and Ayrs-moss, and ratihabited the same before his royal highness and council, as well as the proclamations at Rutherglen and Sanquhar, and owned the wicked and treasonable excommunication at Torwood." For probation was adduced his own signed confession, which he now adhered to before the court. They sentence him to be hanged at the cross, upon the 24th, and his head to be afterward cut off, but the council dispense with this and some other circum- 1680.

1680. stances of his sentence, and allow him to be buried. Upon his petition to the council, he obtained a reprieve for eight days, that he might consider what he said. It was said, that a person who was very warm, and had great weight with him, charged him to stand to his confession before the council, and not retract, and urged peculiar arguments, otherwise he might have been brought to some condescensions. What was in this I know not, but I find him expressing himself upon this head, in an original letter to Mr Walter Smith, in my hands, to this purpose. "As for my simplicity in yielding to carnal relations to the wounding my heart, I leave you to my testimony. My suffering shall, I hope, be my joy; my remission would be easily had, but I will not accept since I have done no wrong. He hath remitted and pardoned all my backslidings, and refreshed my soul many times this day, November 30th, 1680." He was hanged with other two I shall just now speak of, December 1st, merely for his professed opinion, without any act charged upon him. In his papers left behind him, and, as hath been noticed, now published, Mr Skene charges Mr John Carstairs with calling him a jesuit. Mr Carstairs, as shall be noticed in the next section, came to some trouble about this time, and disowned Mr Skene's tenets, and owned the king's authority. In charity I shall believe, that Mr Skene was informed, that the reverend Mr Carstairs had said so; but the same charity, and Mr Carstairs' known tenderness and temper, forbids me to believe he said so. Some ignorant person hath informed Mr Skene of this, and thereupon he leaves his blood upon Mr Carstairs, as well as the duke of York, and other persecutors. Mr Skene likewise notices, that the council offered him a delivery, if he would submit to the duke and council's mercy; what the import of this was I do not know, but in the ordinary sense of the words, it needs some explication to make the refusing of it tenable. I know well, by subdulous proposals, and captious questions, great endeavours were used to shake the sufferers; and their difficulties were great who came before courts at this time. And I am very far from peremptory judging this gentleman or others, not fully knowing their circumstances, but I must blame the propaling those things to the world, without obviating the bad improvement adversaries may make of them. This, and several other things I have noticed, make me wish the consequences of publishing private letters, and other unripe papers, had been more pondered before it had been ventured on.

November 24th, I find John Potter farmer in Uphall in West-Lothian, and Archibald Stuart of Borrowstonness, staged before the justiciary. The last was at Ayrsmoss, but the first had not been in arms, and they had nothing to lay to his charge but hearing Mr Cargill, and his opinion in owning the Sanquhar declaration. They are indicted for ratihabiting and approving of Bothwell rising, and the other rebellion carried on by Mr Cameron and David Hackston of Rathillet, for being at Ayrsmoss, at Torwood; and that they and their accomplices, to the number of 30, among whom were Mr Richard Cameron and Mr Thomas Douglas, at a muir near Galloway, did in summer last enter most treasonably into a bond, league, and combination among themselves, not only without warrant, but contrary to law, wherein they shook off their allegiance to his majesty, and treated of matters of church and state treasonably, their subscription to which they had judicially owned. The tenor of this bond is set down page 218; the probation was, their own confession of several of the articles libelled before the council. Archibald Stuart had been put to the torture by order of council, and a confession of his being at Ayrs-moss was extorted, and he likewise discovered a great many of Mr Cargill's haunts, and places of hiding. Their sentence is, to be hanged at the market cross of Edinburgh, December 1st, and accordingly Mr Skene, and these two were executed. The testimonies left behind them the reader will find in the Cloud of Witnesses.

Thus this year ended with blood, and we shall find the following year beginning with shedding more blood on these same accounts. I come now to end this section, with the further procedure of the

managers against Mr Cargill and his followers, at this time. We have already heard of Mr Cargill's excommunication, which could not but irritate the government. We shall also afterwards hear, that they were galled with some books and pamphlets, lately imported from Holland; and the apprehensions of attacks designed upon some of their persons, heightened all. Accordingly, November 13th, powers are granted to Linlithgow, bishop of Edinburgh, and others, to search for Mr Cargill, and seize such who have reset or conversed with him. It seems, they were informed he was in Edinburgh. Next day, Robert Hamilton, son to the chamberlain of Kinneil, is taken up as having been at the conventicles of Torwood and Largo-law.

November 22d, the council publish a very severe proclamation against fanatical conspirators, &c. which is inserted below.*

This proclamation is artfully enough drawn, and contains a deduction of things speciously set together to load the sufferers as guilty of very evil things. 1680.

---

* *Proclamation, November 22d*, 1680.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lyon king at arms, his brethren, heralds, macers of our privy council, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, since the extraordinary mercy of God in our wonderful restoration, we have taken all care to preserve our subjects in peace, and the protestant religion in its purity, by such wholesome laws, as at the desire and with the consent of our parliaments have been enacted; yet such hath been the impious and unwearied attempts of a schismatical and ungovernable party of our undutiful subjects, to disturb the former, and to overturn the latter, that they have often engaged themselves in open insurrections, and avowed rebellions, against us and our authority, pretending to found these their rebellions upon their treasonable covenants; and particularly, after the horrid and cruel murder of the late archbishop of St Andrews, a violent and execrable rebellion was commenced in the year 1679, which was declared, by them who raised it, to be undertaken and carried on, for promoting the ends of their seditious covenants. After the suppressing of the which rebellion, by the blessing of God upon our arms, such was our princely clemency, as by solemn acts of grace, not only to pardon and indemnify the guilty, but even to indulge them to keep house conventicles, upon the easy terms and conditions contained in our royal proclamation, of the date, at Whitehall the 29th of June, 1679, whereby we might reasonably have expected, that their minds being eased, they might have been brought, if not to a regular and dutiful obedience to our laws, yet to a quiet and peaceable submission to our government; notwithstanding whereof, and of our gracious indemnities, favours, and indulgences which have been as oft renewed, as their insolences, murders, and treasons, have been repeated, such hath been the perverseness of some turbulent and fanatical persons, that many of them continue and persist, according to their old dangerous principles, not only to frequent seditious field conventicles, which, as our laws have declared, so in experience have they been found to be the rendezvouses of rebellion, (their insurrections against us and our authority in the years 1666 and 1679, having been nothing else but so many running and continued field conventicles,) but also having, together with the fear of God, shaken off the sense of their allegiance unto us, and the reverence and regard they owe to our laws and government, have entered into an execrable plot and conspiracy, to murder our royal person, our dear and only brother, with our chief ministers of state, our privy counsellors, and bishops, and all such as are employed in any trust and authority under us, to subvert our monarchy and government, to destroy this protestant church with its officers and ministers, to introduce a new model of civil and ecclesiastic government, and to alter and innovate the fundamental laws of this our ancient kingdom, being prepared and instructed to this hellish conspiracy, by these treasonable pamphlets, intituled, Naphtali, Jus Populi, The Apologetic Narration, &c. whereby they have been taught to take up arms against us, as being loosed from their allegiance, and empowered by the mistaken example of Phinehas, to kill all such as differed from them, and opposed their covenants, and thereby allowing, not only open rebellions, but (which is more terrible) even private murders and assassinations; and upon which, they have proceeded to wound, rob, and assassinate our orthodox and protestant ministers, merely for preaching protestant and loyal doctrine, and in cold blood (with a cruelty exceeding that of heathens) to murder the late venerable primate of that our kingdom, as also our soldiers for levying the supply granted by law unto us; of which hellish plot and conspiracy we have sufficient and convincing evidence, particularly from their prodigious and treasonable covenant, found with Mr Donald Cargill (one of their most seditious preachers) on the third of June last; wherein they declared us an usurper, and the devil's vicegerent, and that the laws and acts of our parliaments were invasions and encroachments upon Jesus Christ, and that they would set up new rulers to govern by the judicial law of Moses, from their treasonable declaration affixed upon the market-cross, and other places of our burgh of Sanquhar, on the 22d of June last, wherein they disown us to be their king, and calling themselves the representatives of the true presbyterian and covenanted people of Scotland, declare an open war against us, and all our loyal and dutiful subjects, from a most treasonable bond and combination, found among the papers of that arch-traitor, Mr Richard Cameron, at his death, at the fight at Ayrs-moss; wherein they declare us an usurper, and themselves loosed from their allegiance unto us, because we

1680. The large deduction of matters of fact pointed at in it, already given in this history, will take off any impressions that the narrative may leave, and so I need say the less upon this paper. It needs no refutation, when the penner of the proclamation brings the king in as careful to preserve the protestant religion in its purity. Care is taken in what follows, to confound these concerned in Pentland and Bothwell, with the persons who made the attempt on the primate, and published the Sanquhar

---

will not promote the ends of their seditious covenants; which seditious bond is signed by Thomas Douglas, pretended minister of the gospel, —— Cameron, brother to the said Mr Richard, John Vallange, Daniel M'Mitchel, Thomas Campbell, John Moodie, Patrick Gamil, James Stuart, and many others their accomplices; and by their unexampled and sacrilegious excommunicating of us, our dearest brother, and our chief ministers and officers, by the said Mr Donald Cargill, at a numerous field conventicle at the Torwood in Stirlingshire, in the month of October. Which impious mock-sentence of excommunication they caused affix upon some public places in our city of Edinburgh, and which is clearly proven by the depositions of many of their associates, and the judicial confessions of some of their ringleaders, before our privy council, to have been pronounced by the said Cargill, day and place aforesaid; and by which mock-excommunication, and the foresaid declaration of war at Sanquhar, they endeavour to justify the lawfulness of killing us, and our faithful ministers and subjects. The originals of all which papers herein mentioned lie in the hands of the clerks of our privy council, and justice-court, to be forth-coming, for the satisfying of all our good subjects, concerning the truth of the premisses. Moreover, the truth and reality of this cruel, bloody, treasonable and horrid plot and conspiracy, is further evident, by the declaration, and free confession of James Skene, brother to the late laird of Skene, Archibald Stuart in Borrowstonness, John Potter, late servant to the lord Cardross, who, openly, and in the face of our privy council, have avowed and declared their owning of, and adherence unto the treasonable covenant foresaid, found with Mr Donald Cargill, that execrable declaration at Sanquhar, and bond of combination aforesaid, (which bond of combination hath been owned by the said John Potter, in presence of our privy council, and his subscription subjoined to it,) and that treasonable and impious excommunication at Torwood, and, with bare faces, assert the lawfulness of killing us their sovereign, our dear and only brother, our ministers, bishops and judges; and that it is their duty to kill us and them, according as they shall have power and opportunity; and who seemed to have met together, in our city of Edinburgh, on Thursday the 11th of this instant November, to consult with Mr Donald Cargill, the best methods for putting the said abominable and hellish plot in execution. Therefore, and to prevent the imminent danger to which our royal person, our dear and only brother, our government, ministers and laws, the church and protestant religion are exposed, by the bold and incessant attempts, and the bloody artifices and contrivances of these villanous and fanatical conspirators, do hereby, with advice of our privy council, declare all these forenamed conspirators and plotters, to be open and notorious traitors, and rebels against us and our authority, they having been in arms against us, for which they were declared traitors by our proclamation dated the last of June, 1680, empowering and requiring all our good subjects to treat them as such, and we do hereby require and command all our loving subjects, as they will be answerable to us on their allegiance, to do their utmost diligence to discover and search out this fanatical and bloody plot to the bottom, and to seize and apprehend these traitors, conspirators, and plotters, and all their treacherous associates and accomplices, particularly such of them as are named and mentioned in this, and in our foresaid proclamation of the last of June, 1680, and to imprison them in the next convenient prison, that they may be brought to condign and exemplary punishment, according to the prescript of our laws, and the demerit of their prodigious and unparalleled treasons. And we further require and command all our sheriffs, stewards, bailies of regalities, and magistrates of burghs, and other ministers of the law, where the said traitors and conspirators use to haunt or resort, to employ their utmost power and vigilance in their respective jurisdictions, for searching, seizing, and apprehending of them, that they may be presented to justice: and if, in seizing and apprehending the foresaid traitors and conspirators, and their associates and accomplices, (they resisting, or refusing to be taken), any of our said magistrates, or others our good subjects, shall happen to kill or mutilate them, or any of them, we do hereby declare, that they nor none assisting them, shall ever be called in question, or pursued civilly or criminally therefore in time coming; but that these presents shall be as sufficient for their exoneration, as if they had our special pardon and remission; and that their doing thereof shall be reputed good and acceptable service done to us. And for the better encouragement of such as shall apprehend and bring in the said traitors and conspirators, dead or alive, the apprehender of Mr Donald Cargill shall have, as a reward, the sum of five thousand merks, and for Mr Thomas Douglas, the sum of three thousand merks, and for each one of the said conspirators and plotters, the sum of one thousand merks, instantly paid to them by the lords commissioners of our treasury. And we ordain these presents to be printed, and published at the market-cross of Edinburgh, and remanent head burghs of this our kingdom: and also we ordain the several sheriffs and stewards, &c. to cause make intimation hereof, at the several parish kirks of the kingdom, after divine worship, that none pretend ignorance.

Given under our signet at Edinburgh, the twenty-second of November 1680, and of our reign the thirty-second year.

Per actum Dominorum secreti concilii.

WILL. PATERSON, Cl. Secr. Concilii.

GOD SAVE THE KING.

declaration, and excommunicated the king. I hope, by this time, the reader will be able to distinguish them. The short-lived indulgence after Bothwell, is brought in to aggravate the charge: but neither were any of the people, now alleged to be in a conspiracy, comprehended under it; neither did it ever come to any effect, being soon cramped and marred; otherwise, it is probable, many of the evils in the following years might have been prevented: and this branch comes ill from the party who marred the king's favour. It is pedantry not to be answered, to add, that Pentland and Bothwell were so many running field conventicles. The charge that follows is as ill grounded as the narrative, 'that these people had entered into a plot and conspiracy to kill the king, his brother, the bishops,' and I know not how many more. Naphtali, *Jus populi*, the Apologetical Narration, give not the least colour to the doctrine of assassinations. The Queensferry paper does not either, as far as I have observed, countenance them, neither was it the deed of any society. The Sanquhar declaration indeed disowns the king as such, and so does the other bond spoken of above; but neither of them, as far as I have observed, do countenance murder and assassination, nor even the excommunication of Torwood: but I leave these papers to be vindicated by such who approve them; the consequence fixed on them by the proclamation I have not yet seen. The paper, called in the proclamation, the treasonable bond and combination, hath been already considered. I do not find by any papers in the process, that Mr Skene, Stuart, and Potter assert, it was their duty to kill the king and his brother; and, till I see that proven, I must take this assertion only as a supposed consequence, from their denying the king's authority, the justice of which I am yet to learn. Upon these reasons, they declare these people traitors, appoint all to treat them as such, and promise 5,000 merks to any who shall apprehend Mr Cargill, 3,000 merks for Mr Douglas, and 1,000 merks for any of the rest. And this proclamation, to wound all presbyterians, and these people in particular, is ordered to be read in all parish churches of the kingdom. Upon the whole, if any of these people did own the lawfulness of killing the king, or his brother, &c. nobody can, or will, I hope, offer to vindicate them. However, the noise of this alleged plot and conspiracy was of use to the managers, and they made it a pretext to palliate their severities against them and many others, whom they could never find concerned in any of these papers. That same day, the council write a letter to the king, and send it with a copy of the proclamation. I have added it below.* 1680.

---

* *Letter, council to the king, anent Mr Donald Cargill, Nov. 22d, 1680.*

May it please your sacred majesty,

We being informed that Mr Donald Cargill had, to the great astonishment of all honest men, proceeded to the excommunication of your sacred majesty, your royal brother, and some of your servants, and that he had continued to preach that horrid principle, of the lawfulness of assassinating those that differed from them in their covenant and principles, did, after some pains and search, get James Skene, Archibald Stuart, Robert Hamilton, John Potter, and John Spreul brought in as prisoners to us, and at our bar, Skene, Stuart, and Potter owned the new covenant and declaration at Sanquhar, in which your majesty is declared a tyrant, and your people declared free from their allegiance to you, and wherein it is declared a duty upon all good Christians to dethrone and murder you, and such as serve under you: but because Stuart, Spreul, and Hamilton refused to satisfy this your judicature in discovering their designs and accomplices in crimes of so high importance, and which tended so much to the future security of your sacred person, your royal government, and the preservation of your people, we did subject them to the torture, as is usual to do here in the like case, having first, in full council, found, by their own confessions, and by sufficient proofs and presumptions, that they were able to clear us in these weighty questions that were to be put to them, and which questions were, after serious debate and consideration, agreed to in full council: and though some of them did most disingenuously conceal what was in their power to have discovered, their ministers having, for their own security, taught them, that they would be damned if they discovered what concerned their neighbours; yet Archibald Stuart, one of their number, did freely discover their design of killing all that were opposite to them, particularly the judges and bishops, and condescended upon some particular ministers and others. And we do very clearly find from their voluntary confessions, and the papers that we have intercepted, that those of their principle would think it a great duty to kill your majesty, or any serving under you, and that they are but too much favoured by those in your other kingdoms, who are enemies to your sacred person and government, and to the just and lawful descent of your royal family. And, from the whole tract of this affair, your majesty may easily judge how just and necessary it was for us to endeavour to

1680. It seems to be calculated to vindicate their own severities against the people whose lives they were taking, and to stir him to new severities against all the sufferers. The remarks made upon the last proclamation are applicable to this letter, and I do not repeat them. I only add, that they here lay the whole stress of the alleged design of assassination upon it. Stuart's confession, which being in the extremity of torture, and not relative to any design formed, but a declaration merely of his own opinion, that it was lawful to kill persecutors, cannot reasonably be charged upon Mr Cargill and his party, who absolutely disclaimed any design or principle of assassination.

Little further offers from the registers. In December, George Piper in Aberdeen, prisoner for correspondence with Mr Skene and Mr Cargill, is liberate, under bond of 10,000 merks, to compear when called. He is soon called before the committee for public affairs, who report to the council, December 9th, that he denies converse with Mr Cargill, disowns all bloody principles, confesses conventicles in his house, and refuses to refrain from them. They ordain him to be fined for bygones. At the same time, the advocate is ordered to process George Johnston, James Stuart, George White, and William Dick, prisoners for the rebellion, and being at Torwood conventicle. Christian Spence, Sarah Spence, and Janet Smith, having been two months in prison for the last named conventicle, being poor and ignorant, are ordered to be liberate; with certification, if they be found at conventicles again, they shall be scourged. We shall, next year, find Mr Cargill himself taken, and put to death, and many brought to trouble for hearing him.

hinder the growth of those fanatical principles, which, though they seem at first to be the sentiments of tender consciences, yet are, in effect, but disguised humour and faction, tending necessarily to the destruction of all human society, as well as established government. We have, for the satisfaction of your majesty's subjects, omitted the proclamation herewith sent, and what further discoveries we can make, shall be transmitted to your majesty, with all care and faithfulness, by

Your majesty's most faithful, most humble, and most obedient subjects and servants.

Subscribed *ut sederunt*, except his royal highness.

SECT. VI.

Of some proceedings in council; the trial of my lord Bargony, and other incidental matters which fell out this year.

HAVING, in the former sections, kept pretty much to the series of the various persecutions the suffering party in Scotland underwent this year, I come now to glean up some other things which did not so easily come in with what is above, and yet serve to give light to the history of this year. There had been essays among a few of the clergy, to have the more pompous and splendid worship of the church of England introduced into Scotland, as had been projected, and brought a good length by the Laudian faction, in the year 1636, and 1637. But, for any thing I can learn, most part, by far, of our episcopal clergy, did not relish this foreign worship; besides that, we were absolute strangers to it since the reformation from popery, the distinction and independency of the two churches, was found most agreeable to the temper of the nation, already very much under English influence, since the union of the crowns. The few who were for this novelty, struck in with some noblemen and others, who were under the direction of the high-fliers, in ceremonies and forms in England, and resolved to make an experiment of setting up that service more privately, by authority of council. Accordingly, I find an act of council passed to this purpose, which follows from the registers.

"Edinburgh, February 12th, 1680.

"The lords of his majesty's privy council, having considered a representation made to them by some of their own number, that divers persons of quality, and others of this kingdom, were very desirous to have the allowance of the use of the solemn form of divine worship, after the laudable and decent custom and order of the church of England, in their private families, do hereby allow of the same, and give assurance to them of the council's countenance and protection therein."

I cannot find that this allowance tempted

many to fall in with this novelty in Scotland. Matters were not come to the pass with the episcopal clergy here, that they were at, when this same game was played some few years ago. They had not a popish pretender to bring in under the shadow of this worship; they were not depending for their subsistence upon the high-fliers in England; and therefore, though this project was favoured by several who were the great supports of the arbitrary and oppressive methods used in Scotland and England, as it hath been still ordinary for persons of arbitrary principles, contrary to the liberty of the subject, to set up highly for forms and uninstituted worship; yea, though the duke of York, and the popish party were fond to have the public worship of Scotland brought some steps nearer their liturgy and missale, yet it did very little take in Scotland. I only remark further, that when our Scots council are paving the way for introducing the English liturgy and forms, I find, by some letters before me, that the gallant patriots of the English house of commons, who were making so noble a stand against popery, by the bill of exclusion, were beginning to speak of removing the liturgy and ceremonies, at least of bringing in a bill to reform them, and put a stop to the violent urging and pressing of them.

February 17th, the duke of York went back to London. I find, January 31st, he acquaints the council, "That he was suddenly called to court by the king; that it was with great trouble he was to part with them, having met with so much civility and kindness here; that he would acquaint the king, that he had in Scotland a loyal nobility and gentry, and a council, and other judicatories, filled with loyal persons; that he would still be ready to serve them. He recommended to them the peace of the kingdom, and wished the council would make a just representation of him since his coming among them, and let him know what he should represent to his brother concerning the rebels, and absents from, and deserters of the king's host; of the which affairs, the advocate being present, did fully lay the state before his royal highness. After which, the chancellor represented the happiness of this kingdom, in his presence, and how much they were obliged to his advice and conduct, and that they were ready to venture their lives and fortunes to do him service; and they would represent to his majesty, the advantage they had by his royal highness's presence though they could never do it sufficiently." 1680.

February 15th, the duke takes his leave of the council. Compliments are renewed as above; and the council grant a protection to the Highland clans, and agree to a very large commission for the peace of the Highlands, and the copy of a bond to be signed by the clans, which the duke takes with him for the king's approbation. The council, in answer to the duke's desire, write a very singular letter to the king, which is so much out of the common road, in its fulsome compliments, that I insert it here, as one instance of that abject slavish spirit the oppression of others, in their consciences and liberties, hath brought some unto.

"May it please your majesty,

"The remembrance of having been under the protection of your royal family, above two thousand years, of having been preserved, by their valour, from the slavery to which others were so often reduced, and of having received from their bounty the lands which we possess, hath been very much refreshed and renewed by having your royal brother among us, in whom we have seen that moderation of spirit, and equality of justice, that is remarkable in your sacred race, and hath raised in us a just abhorrence of these seditious persons, and pernicious principles, which would lead us back to those dreadful confusions which grew up by degrees, from tumultuary petitions for reformation and parliaments, to a rebellion that in the last age destroyed both, and which must do so still, since all who think that subjects should direct their king, design nothing, in effect, but to be kings themselves: the convictions of all which, did prevail so far with all degrees of persons, and with persons of all persuasions here, that it has been easily observed, our nobility and gentry of both sexes, attended their royal highnesses with much joy and assiduity, expressing, in all their con-

1680. fluences, great respect and satisfaction, that even the most malicious abstained from all manner of rebellious risings, and undutiful speeches: no breach of the peace, no libel, no pasquil, having been ever discovered during his abode here; so that this too short time has been the most peaceable and serene part of our life, and the happiest days we ever saw, except your majesty's miraculous restoration. And now, that your majesty has thought fit to have him near your own person, we hope the great success he has had, in understanding both men and business among us, by his easy access and constant application, which will enable him to understand our affairs and interests, with which we trust him, and much more than we can this, or any other papers we can send you. His countenance hath much encouraged the orthodox clergy, without being grievous to such other protestants as differ from them: he hath quieted our Highland eruptions, without encouraging any opposition to law, of which he told us he would always be most exactly careful, as being the common tie, as well as security, between king and people; and he hath, both by his example and discourse, recommended so to us loyalty to your majesty, as our own national interest, and moderation one to other, as they only mean to fortify and unite us against the undermining designs of such as would infallibly make us slaves, as they did formerly, that we hope these impressions shall not wear out while we live, who have been so happy as to know him at this time; and for which happiness we can make your majesty no other return, save to assure you, that with our hearts, our lives and fortunes, we will maintain your sacred majesty, and your royal successors, in the ordinary degrees of succession, according to their unalterable right of blood, which you and they only derive from God Almighty, whom you represent, and to wish that his royal highness may meet every where that satisfaction and tranquillity he has occasioned, and that kindness and affection which his merit has raised in,

"May it please your majesty,

"Your most loyal, most dutiful, and most faithful subjects and servants,

"Rothes Lord Chancellor,	Lord Bishop of Edinburgh,
St Andrews,	President,
Athole,	Treasurer-depute,
Privy Seal,	Register,
Douglas,	Advocate,
Argyle,	Justice-clerk,
Marishal,	Lord Collington,
Murray,	John Drummond of
Linlithgow,	Lundie,
Wigton,	Lord Justice-general,
Perth,	Sir And. Ramsay,
Queensberry,	Sir John Wauchop,
Airly,	Sir Geo. Kinnaird,
Dundonald,	Sir Geo. Gordon.
Caithness,	

"Edinburgh, Feb. 17th, 1680."

With this letter to the king the council send another to Lauderdale, signifying that, "What is in the king's letter, is the common sentiments of all who had the happiness to know his royal highness, and is so deeply fixed, that public judicatories, and private families are expressing more kindness for his person, and grief for his leaving them, than can be transmitted in paper; and all are so just, as to bind themselves by resolutions and promises to serve him in his just interest with all their hearts, and are convinced he will have no designs that are not such. They told the duke, that by assuring the king of their adherence to his royal interests, and his royal brother his just rights, a new obligation will be put on them." No reflections shall be made upon these letters. The duke came down to Scotland, as a shelter; and as he had a party before sanguine enough in his interests, so he strengthened and increased them, and it was natural they should send recommendations of him, which were not so far regarded in England, as to have any effect to prevent a second attempt for a bill of exclusion this year.

This party of the duke's carried all before them for many years, and very much advanced a popish interest, by running matters to the greatest heights against sincere and zealous protestants, and helped forward the sufferings of the church of Scotland I am relating, very much; and they found their account, in running the laws to the utmost rigour against all within their reach. We have heard prodigious sums were exacted in the beginning of the year by the justice-court, for absence from the host. And February 23d, Sir William

Purves is made collector of the fines of the criminal court. Most part of these who had formerly been of the duke of Lauderdale's party, came in, and with him, during the little time he stood, were hearty servants to the duke of York, and endeavoured to run down all they thought not so favourable to the two dukes. We have formerly met with some processes of this nature, and I shall here insert two more, which made some noise this year, against the lord Bargeny, and John Niven.

All the account I can give of the trouble of John lord Bargeny, in the shire of Ayr, is from the registers. He was suspected to favour the cause of liberty, and to be of the other side from the duke of Lauderdale; and last year after Bothwell, some surmises were raised of his favouring the people concerned in that rising, whereupon he was made prisoner in Blackness. In the council registers, December 4th last year, just after the duke of York's coming down, I find a report from a committee, who had been appointed to examine him in Blackness, that they had taken his declaration, which is read, but not recorded. That day the governor of Blackness is allowed to permit persons to speak with him in his own hearing, and to give him pen, ink, and paper, providing he see whatever he writes. At the same time the advocate produceth a letter from the king, ordering him to proceed against the lord Bargeny, as having incited persons to rise in the late rebellion. No more is about him in the registers, till January 14th this year, when their act about him runs, "Anent the petition of John lord Bargeny, that he hath been now two months close prisoner in Blackness, occasioned by the suggestions and malicious informations of his enemies, and he being conscious of his innocence of any disloyalty that can be laid to his charge, and that in his heart he did never harbour, far less did he ever practise any evil against his majesty or government, craving that he may either be liberate, or presently put to a trial; and that in the mean time, or since his imprisonment, there may be no process, or decreets of session moved in, or given out to his prejudice, his adversaries at this time being ready to take advantage. The council ordain the said lord to be brought in to the castle of Edinburgh, whenever the advocate hath prepared his indictment." 1680. This matter is still put off till the end of March, when I find him before the justiciary. The managers had a mind to have had his estate, but their probation failed them, and the crimes in his libel must be reckoned of the advocate's framing. I shall give as short an account of his process, from the criminal books, as I can. February 24th, John lord Bargeny is indicted, "That in the year 1674, or 1675, he with great oaths and execrations did curse some of the chief nobility in the kingdom, because they would not make themselves the head of the fanatics, and swore they would never signify any thing, because they lost that opportunity. And because his grace the duke of Lauderdale, had, by his extraordinary care, prudence, and loyalty, defeat the designs which he and the said fanatics were managing, for disturbing the government of the church and state, he did, in the year 1677, or 1678, publicly regret that the English or fanatics, did not kill or assassinate the said duke of Lauderdale, and did hound out others to assassinate him. That in the year 1675, or 1676, he did endeavour to persuade George Martin notar in Dally, that the fanatics would never get their business done while the duke of Lauderdale was alive; and that an hundred men would do more by assaulting him in his own house at Lethingtoun, than all they could do beside. Likeas Mr John Welsh, a factious trumpet of sedition and treason, having made a trade of convocating the subjects in field-meetings, the said lord did correspond with him; and having direct a letter to him, while he and his accomplices were contriving another rebellion, he did send the said letter to Sauchill by his own servant in May or June last; which being read at the said convocation, as being come from him, did encourage that rebellion. That he corresponded with Cunningham of Bedlan, desiring him to repair to the Westland army, and persuaded all gentlemen and others to join them, since he and persons of far greater quality would join; that he gave no notice of his tenants who had been at the rebellion, but did enter-

tain notour rebels in his house: that
1680. he did publicly maintain the principles of Naphtali, Jus populi, Lex Rex, declaring that Scotland would never be well till it wanted episcopacy, and the present government of the church was destroyed as unfit for the nation. And in October or November last, did openly disclaim against the sacred order and function of episcopacy, swearing he would never be in peace till the curates were rooted out, and that they were all but knaves and rogues. Wherethrough he is guilty of treasonable crimes, and is either art or part thereof, and ought to be punished with forfeiture of life," &c. in common form. My lord Bargeny's advocates debated very long upon formalities and points of law, which I shall not resume; after the advocate had given his replies, the lords of justiciary find, "that the advocate wants some of his material witnesses, though he hath used all diligence possible to adduce them." And in regard the pannel hath neglected to give a double of his letters of exculpation, they continue the process until the second Monday of June. June 14th, the advocate compears and offers an additional libel, "that in May or June last year, the lord Bargeny hearing of the murder of his grace the late archbishop of St Andrews, said, It was happy, for he was a great enemy to the cause of God, and his people, the kirk of Christ, or some such words; and that some by his order, offered arms to people going to Bothwell-bridge." Mr William Hamilton, advocate for the pannel, meanwhile produceth an act of council, of the date, June 3d, 1680. "The lords of his majesty's privy council, in obedience to his majesty's commands by a letter, May 11th last, give order to the governor of the castle of Edinburgh, to set the lord Bargeny at liberty, in regard he hath found caution to appear before the council when called, in order to his trial for the crimes he is indicted of before the lords of justiciary, under the penalty of 50,000 merks. William Paton." And upon this the lords desert the diet *simpliciter*. The king's letter upon which this process is stopped, bears, "that he had received a petition from the lord Bargeny, representing his father's loyalty and sufferings, asserting his innocence of the crimes he is indicted for, and attesting God thereupon, and his majesty being unwilling, he, or any subject should receive prejudice by long imprisonment, until there appear evident proofs of their guilt, requires him to be liberate, under sufficient caution to appear in order to trial, if hereafter sufficient proofs of his guilt be found. And that this letter be communicated to the justice-court and advocate."*

Another party process is intented against the master of a ship in July, for treason shall I call it? against the duke of York. July 15th, John Niven, skipper, is indicted for saying at Burntisland, "that the duke of York had been upon a plot for taking away his majesty's life, and had contrived with the king of France to invade England with an army, and had come to Scotland to make a party and faction, and to introduce popery." The probation is pretty full, and the assize bring him in guilty of leasing-making against his royal highness the duke of York. The lords delay the sentence until August. Most part of the sentences were now pronounced according to the

* After he was set at liberty, Lord Bargeny discovered by diligent investigation, that Cunningham of Montgrenan and others had been suborned by Hatton and Sir John Dalrymple, to give false evidence against him. Their depositions, which also affected the duke of Hamilton, were prepared beforehand, and they were promised a share of the confiscated estates, but when the trial approached their consciences revolted against the crime. Bargeny's evidence on the case was ready to have been produced before Parliament, 28th July, 1681. Perjury and subornation charged in open Parliament against a supreme judge and officer of state, demanded public investigation, and a condign punishment, or an ample retribution according to the issue. But the duke of York interposed to prevent inquiry. Fountainhall I. 150. Laing II. 106. Lord Bargeny entering heartily into the revolution, raised a regiment of 600 foot for the public service, 1689. He died 25th May, 1693. (Ret. in public Arch.) The title has long been extinct, yet the estates have, by a late decision of the House of Peers, been finally settled in the family of Sir Hugh Dalrymple of North Berwick, the lineal representative. The last lord Bargeny, who died young, on 28th March, 1736, and was buried in the abbey of Holyrood-house, was a nobleman of elegant accomplishments, and is panegyrised by Hamilton of Bangour, as

"Kind Bargeny, faithful to his word,
Whom heaven made good and social, though a lord,
The cities viewed of many languaged men."

See Wood's Peerage, vol. I. 197.—*Ed.*

commands of the council, and letters from the court, and, it seems, it was found necessary to write to London, before they gave sentence in this matter, though our statute books and laws were at Edinburgh. Accordingly August 4th, the lords pronounce for doom, "that John Niven, captain of the ship called the Fortune of London, found guilty by an assize of leasing-making against James duke of Albany and York, shall be taken to the market-cross of Edinburgh, upon the 18th instant, and hanged." But August 6th, a letter from his majesty to the council is produced, authorizing them, so soon as the sentence of death is pronounced against John Niven, for most false and slanderous words against his highness James duke of Albany and York, they cause the sentence to be suspended, and that he continue in prison, till his majesty's further pleasure be known. The king's letter is recorded in the justiciary registers; and the reason the king gives, is, the interposing of his dearest brother with him, and he adds, that the crime is of so high a nature, that no other consideration would have prevailed with him, to relieve him from exemplary punishment.

In March, the council interpose, by a letter to Lauderdale, for William Paterson, who, we heard, engaged to transport the prisoners taken after Bothwell, that his loss by the shipwreck may be made up, and send up a long representation of his losses, amounting to fifteen hundred pounds sterling. What was done for his help, I know not; but if the council had showed the half of the zeal they discover for prelacy, against murder, the master they employed would have been prosecuted.

Upon the duke of York's return to his brother, some changes were designed in Scotland. March 8th, the chancellor acquaints the council that he is called up to court, by a letter from the king. And April 18th, Mr Maitland's commission is read in council, to be justice-clerk. June 3d, the earl of Balcarras is admitted a counsellor. July 6th, the earl of Rothes's patent to be a duke, is read in council, and the earl of Queensberry's commission to be justice-general, in Tarbet's room. The earl's zeal against the sufferers in that station, fully satisfied the prelates and papists. That same day the earl of Roxburgh is received a privy cousellor; and the lord Lorn, for his eminent parts and abilities, is made a counsellor, October 5th. June 22d, "the council grant warrant to Andrew bishop of Dunkeld, to uplift two hundred pounds sterling out of the vacant stipends of his diocese, for repairing the dwelling-house, for him and his successors, belonging to that see. And October 5th, three hundred pounds sterling is allowed to Arthur archbishop of Glasgow, for repairing the manse belonging to that see. About the same time, the council considering the insolences committed against the orthodox clergy in Galloway, in defrauding them in their stipends, and indirect methods taken to force them to leave that shire, by tradesmen and others, their refusing to work for them, ordain the sheriff to give sentences against such, and, upon complaint upon such as refuse to work to them, that he fine them, and call for soldiers to execute his sentences, and that this act be intimated at the head court of the shire." This kind of process obliging tradesmen to work, was a little singular. Another singular method for support of the episcopal clergy, falls in August 10th. The council write to the bailie of regality in Kirkilstoun the following letter. "Sir, the council being informed, how much the exercise of church discipline is slackened, through want of the concurrence of heritors, the council require you to convene the justices of peace in that parish, the barons and their bailies, and require them to assist the ministers in the exercise of church discipline, against scandalous offenders, and in all the parts of his function, as they will be answerable." 1680.

In September and October, I find in the registers, several letters about the new model of militia, which I shall give but hints of. September 3d, the council acquaint Lauderdale, that most of the shires are come into the new model of militia; but move that in the west, the foot may be changed to horse. A letter comes from the king, dated September 15th, rejecting this proposal, and ordering them to continue foot in the west, and requiring them

1680. presently to settle them in the western shires, and prosecute, according to law, all persons of whatsoever quality, who come not into his regulations, in so important a matter. October 7th, in a letter to the king, the council allege, that the western shires, in law cannot be obliged to turn the horse into foot, and beg his majesty may consider this; and write another letter to Lauderdale, earnestly to deal with the king, to allow them to call only for horse in the western shires. What occasioned the council to insist so much on this, I know not, if it was not that horse were of more use to pursue the sufferers than foot.

In the end of October, the duke of York came down again to Scotland, which wanted not its own share in the now growing persecution. The English parliament were now to sit, and their design for a second bill of exclusion was known, and it was necessary he should retire a little. The king gives this another turn in his letter to the council, dated October 23rd, acquainting them he was to send down his brother for the better despatch of affairs among them; and the chancellor acquainting them that he was to land at Kirkaldy, and to be at Lesly till the abbey was ready, they order all the counsellors on this side of Aberdeen, to wait on him, and as soon as he lands, that there be public demonstrations of joy. Accordingly, the duke and duchess arrived at Kirkaldy road, upon the 25th of October, and went thence to Lesly house, where they were regaled until Friday the 29th, when they arrived at Leith, and came to the abbey of Holyrood-house.* Upon Saturday the bishop of Edinburgh, and the clergy in town waited upon him, and expressed the general satisfaction of the orthodox clergy at his arrival. It was well they assumed to themselves the title of orthodox, to distinguish themselves from others, and their orthodoxy was as great as to politics, and the now pleasing heads of hereditary, lineal, and indefeasible succession to the crown, and passive obedience, yea, much greater than in doctrinals, in opposition to the church of Rome. Certainly there was no great protestant orthodoxy in cajolling a profest popish claimant to the crown of three protestant kingdoms, retiring from the resentments of the English protestant parliament; but the orthodox clergy in Scotland must now be abettors of popery: and I cannot much doubt their compliment to the duke was real, since from former experience they gathered, that his presence here would help forward the sufferings of presbyterians. The same orthodox clergy, by their bishops, complimented him upon the birth of his spurious imposter, the pretender to the crown of these realms, in the year 1688, as shall be noticed, and the same episcopal clergy, and their irregular successors, are almost to a man attached to the popish pretender, to this very day. But the most fulsome flattery appeared in the letter sent up from the council to the king, of the date November 2d, signed by twenty-seven counsellors, and among them three or four protestant bishops; and the rest, had they been counsellors, and in town, probably would have had their hands at it. Enough of this stuff is already in the body of the history, and so I have annexed this at the foot.†

* "The duke of York took leave of his brother king Charles the Second, the 20th October 1680, at Wowlwitch on the Tames, and after a great storm landed at Kirkaldie the 26th do. with his dutches. Thereafter he went to Lesly till the 29th do. frae thence to Halyrood-house, thence went and saw Edinburgh castle, where the great cannon called *Mouns Meg* being charged, burst in her off going, which was taken as a bad omen."—Fountainhall's Notes, p. 3.—*Ed.*

† *Council's letter, Nov. 2d*, 1680.

May it please your sacred majesty,

We have *good* reason to believe, that your majesty's just commands shall never be obstructed by the unwillingness, nor retarded by the negligence of the subjects of this your majesty's ancient kingdom, *being* fully convinced, that nothing is required of us, save that we may preserve ourselves, by suitable and easy means, against those formidable and imminent dangers, which threaten us now from the same principles, by which we were formerly ruined: so that the only thing which is forced upon the worst of your subjects, is, that they must unavoidably confess, that nothing can lessen their happiness, except their being insensible of it, and unthankful for it. And your majesty, by dispensing for our protection, all the revenue which is raised in this your majesty's ancient kingdom, lets us see, that all you crave of us, is, that we would be true to our own interest, and all that you get by us, is the care of governing us to our own satisfaction, That profound respect, and sincere kindness, Sir, which we observe in your majesty's subjects here, to your royal brother the duke of Albany and York,

It is scarcely worth while to make any observes upon it. The reader will perceive they begin with a libel against those principles, which they say formerly ruined Scotland, they mean the liberty of the subject, and presbyterian government. Next, upon the matter they declare the danger of the kingdoms at present; it is not from popery, which the English parliament was smelling out, but these principles. Then they thank the king for leaving all the Scots revenue in their hands, and taking nothing of it for himself, and in this it is probable they were in earnest. Next they assure his majesty they will stand by a papist as his successor in the throne, when the true Protestants in England were endeavouring to prevent his coming to it. The following part, which contains their thanks to the king, for his endeavours to secure his brother's succession, is so choking to any that has a regard to the reformation, that I must refer the reader to the paper itself. Hereditary right, and lineal descent, they term the great fundamental; whether the unreasonableness or pedantry of the phrase be greatest, I do not determine. They promise themselves much from the duke's example. It was now indeed upwards of an hundred years, since we had the idolatrous mass openly set up in Scotland; and this was an example not a little prevalent upon many to turn popish. They conclude with assurances, the duke's stay here would have happy effects for carrying on the king's service; and this was too true, if by the king's service was meant the plot for bringing in popery and slavery at this time, in considerable forwardness among some at the courts of France and England. 1680.

To help forward the persecution at this time, a plot against the duke's life is forged by his own friends; and this was a good handle to cast an odium upon the sufferers, and sharpen the persecution; and, no doubt, the popish priests, who came down with the duke, were not sorry to see protestants worrying those of their own denomination. I find some of the persons named in the former section, who were executed in December, charging their death upon the duke, and speaking of this plot they were reproached with, and declaring they never knew or heard of the least hint about it, until they were interrogate thereupon before the council; and I see not the least ground to doubt of their sincerity. The principles advanced in the Queensferry paper, Sanquhar declaration, and the Torwood excommunication, are the only colour the enemies of these people had to

assure us, that we want nothing but occasion to hazard for the royal family, these lives and fortunes which you have made so sweet and secure to us. And as our esteem for his royal highness at his last being here, grew daily with his stay, so our expectations of security and satisfaction, return naturally with him. And therefore we are obliged with all zeal and sincerity to return to your sacred majesty, our most humble and hearty thanks for securing the just and natural descent of that royal family, which is the chief glory and only security of this kingdom, upon which the least invasion would be so great an invitation to all insolence and arbitrariness in your subjects, as could not but procure us a civil war in every age; for men of parts and interests being discontented or factious, would, by promoting colourable titles and pretences, make the body of your people the price of their avarice, and the prey of their ambition, and rent not only these kingdoms from one another, but amongst themselves: nor can we see why every man may not pretend to be king when the lawful successors are debarred, nor how we can be fixed in any thing, when we loose this great fundamental. And in the next place, we do likewise return your majesty most humble and hearty thanks for sending your royal brother to be an example to, as well as a witness of our loyalty, and affording us in him, the renewed occasion of letting the world see that no humour nor jealousies shall for the future divert that dutifulness to the royal line, which our predecessors have maintained for so many ages. Nor doubt we very shortly to let your majesty find what happy effects his stay here will produce for promoting your service, and cementing our differences; in all which his royal highness shall be most obsequiously assisted, by

May it please your sacred majesty,

Your majesty's most faithful and humble, and most obedient subjects and servants.

Rothes *chancellor*,	Jo. *Edinburgen*,
Alexander *St Andrews*,	Ross,
Athole,	Jam. Dalrymple,
Douglas,	Chas. Maitland,
Montrose,	Thos. Murray,
Glencairn,	Geo. Mackenzie,
Winton,	Rich. Maitland,
Linlithgow,	Thos. Dalziel,
Perth,	James Fowlis,
Strathmore,	A. Ramsay,
Roxburgh,	Jo. Wauchop,
Balcarras,	Geo. Gordon,
Caithness,	J. Drummond.
Lorn,	

Edinburgh, Nov. 2d, 1680.

1680. charge them with any design of this nature: but everybody must see, that even those will never bear the weight of a consequence of this nature, as hath been observed, and had there been any more than bare suspicion rising from these declarations, which the whole body of presbyterians disallowed, we should have had them told with the most aggravating circumstances.

November 2d. The earl of Murray's commission, to the sole secretary of state, is read in council; it bears that the duke of Lauderdale had demitted that office in his majesty's hands. Thus, after twenty years' possession of that office, and management of Scots affairs, he is turned out.

In November this year, there was a process before the council, betwixt the laird of Meldrum, and some gentlemen in the Forest and Teviotdale. Meldrum had raised terrible sums in that country, for one conventicle in the house of Grange, where there was but one person without doors. He owned he had got ten thousand merks of fine, and, by a moderate computation, it was reckoned he had uplifted in fines from the shire of Teviotdale, 100,000 pounds. All I find about this in the registers, is November 11th. Upon a petition from Philiphaugh sheriff of Selkirk, his depute, and some gentlemen and tenants, complaining of many oppressions and wrongous imprisonments, committed by the laird of Meldrum, the committee for public affairs cited the said Meldrum to appear before the council this day, and had ordered the depute and gentlemen to be set at liberty, and appear this day. I shall only give some further hints of this from some letters before me, writ at this time. Philiphaugh and other gentlemen presented to the council, a libel against Meldrum, and he appeared with a counter-libel, and the great debate was, which of the two libels should be first admitted to probation. The gentlemen were pressed to give their oaths, as to what they knew anent conventicles in their bounds, and nonconformity; and upon their refusal were imprisoned some days; at length they were liberate on bonds of a thousand merks each, to compear when called. I find Philiphaugh proved his libel against Meldrum, to the conviction of all, and answered what Meldrum charged him with: and when Meldrum offered to give in some new queries, he was willing to admit them, providing he should be allowed to begin with new queries to him, and proposed he might be interrogate whether Meldrum was papist or protestant, when he was last at mass, who were present with him, when he had conversed last with rebels, and what compositions he had made with them. The matter was dropt, and Philiphaugh came off with very great reputation. That same day, "it is referred to the committee for public affairs, to consider what books imported shall be condemned by authority; and the clerks of council are ordered to sight the shop of John Calderwood stationer, and secure such prohibited books as shall be found therein." Meanwhile, a ship of Borrowstonness, which, as was alleged, had prohibited books aboard, and had been arrested, is liberate upon the owners finding caution to the council, as to the time to come. That day the committee for public affairs report, "that upon notice of seditious books imported from Holland and elsewhere, by the stationers of Edinburgh, particularly, 'Naphtali, Jus regni apud Scotos, in English, Jus Populi Vindicatum, Reformed Bishop, Calderwood's History,' they had called John Calderwood before them, and upon his confessing he had some of them, they had ordered him to prison, and shut up his shop; that they had writ to the magistrates of Aberdeen to seize any of these seditious books in their town. And further, that they had ordained in time to come, that stationers, as soon as they receive home their lists, shall show them to, and have the approbation of one of the officers of state, or the bishop of Edinburgh, with certification, their books shall be seized, and themselves fined if they fail." The first three of the books are prohibited by former acts of council; but for the 'Reformed Bishop, Jus Populi,' and that valuable history of Mr Calderwood, it was very hard to blame any body for them till they were prohibited, which they were not. The council approve the committee's report.

Some letters from Mrs Simpson, in her hand, and papers found about Mr Skene,

brought some trouble to the reverend Mr John Carstairs, William Johnston and Joseph Brody, merchants in Edinburgh. The managers were very hot upon the pursuit of Mr Skene, and all Mr Cargill's followers; and everybody they spoke of, though no way concerned in their courses, were brought to a great deal of trouble. About the 20th of November, Mr Carstairs was brought before a committee of council, where Argyle presided. He owned the king's authority, and that of his courts; with a great deal of seriousness he disclaimed the follies and principles Mr Skene and some others now advanced, and said, he could not express his abominating their extremities with vehemency enough. He protested against John Bishop of Edinburgh his sitting in a civil judicatory, or any of his character; he acknowledged the king to be the fountain of honour, but denied the bishop was capable of it. He declared he loved his majesty's person, and honoured him, and daily prayed for him. He and the other two were set at liberty, and Mr Carstairs came off with a great deal of respect and applause, even of adversaries; only bishop Paterson was extremely fretted, and promised him a return, if ever it lay in his power, for protesting against his being a counsellor, refusing him his titles, and terming him only Mr Paterson.

About this time the second effort of the English nation against a popish successor, by the bill for excluding the duke of York, was crushed in the house of peers. My lord Russel, with the lord mayor of London, and Cavendish on either hand, and about two hundred of the house of commons at his back, present the bill November 16th. The question for a first reading was carried by two votes. The king was in the house, and after a long and warm debate for some hours, managed by the earl of Shaftsbury upon the one side, and Halifax on the other, the question being put for a second reading, it carried in the negative, sixty-three to thirty-one. They protested, and entered their reasons in the journals of the house. The bishops of Chester, Exeter, and London, were for the bill, and all the rest against it. After the bill was thrown out, the protesters proposed, that the king should be moved to divorce the queen, but that debate was adjourned. The commons addressed against Halifax, that he might be removed from the king's service. They had a bill before them for removing the penal laws, in as far as they related to protestant dissenters, and began to move some things against the bishops, and their pressing ceremonies and conformity. But all these came to nothing, and I leave them to the English historians, and only remark, that when the news of the rejecting of the exclusion bill came to Edinburgh, the chancellor offered to cause set on bonfires, and ring bells, and order public rejoicings there: but the duke of York declined this, and told him there was no haste in this matter, for he expected an impeachment; but his fears were soon over. 1680.

All I have further to remark from the registers this year, is, that November 18th, the council receive a letter from the king, thanking them for the kind reception of his brother, and their letter of the 2d, he assures them they could not have done him more acceptable service. That same day Mr Patrick Menzies is admitted one of the clerks of council, in room of Mr Gibson, who demitted: and December 23d, they write to the earl of Murray secretary, to procure a remission to William Gordon of Culvenan, who had been in the rebellion. If I mistake not, he had resigned some of his lands in favour of some of the managers, it is time now to go forward to the next year.

CHAP. V.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1681.

THE persecution goes on most violently this year, and near twenty are executed at Edinburgh, and some more designed to the same fate, but providence prevented. Besides, innumerable multitudes who went not their lengths, had their lives made a burden to them in all parts of the country, by vexatious courts, cruel soldiers, and suborned and busy informers, of which I am to give but a cursory account, because it falls much in with what is narrated upon the preceding years; the methods are the 1681.

1681. same, the rage equal and growing, the particulars are innumerable, and this work is swelling much upon my hand. Indeed the enraged managers reckoned they had just ground, and a good footing from the Sanquhar declaration, to make war upon that party who had declared a kind of war against them; yea, they extended their severities to every body who would not go along with the present courses, and most calumniously loaded the whole suffering party with the principles of those people, though, as hath been noticed, it was but a very few who defended that paper, and last year they had cut off a great number of them.

The bishops failed not to take hold of this opportunity, to put great hardships upon all who had the name of presbyterians; and the duke of York's presence in the beginning of this year, and at the parliament, with the papists about him, helped all on. From those fountains flowed forfeitures of great numbers of gentlemen who were reckoned to favour presbytery, and now and then severe proclamations against conventicles, though, excepting Mr Cargill, who but seldom appeared in public, there was not one who preached at field meetings, neither were there many sermons in houses; yea, some presbyterian ministers, now deprived of all other opportunities, did, at some times, even communicate with the episcopal clergy, as I hear, Mr Bates, and some others in England, used to do, to manifest their holding communion with them, in those things which they held in common with other protestant churches. Nevertheless, presbyterian ministers and gentlemen were most violently harassed, and put to very great hardships. The parliament meet, and in August make new and severe laws, and impose the iniquitous and self-contradictory test, which became new occasion of severe and universal persecution, through the west and south of Scotland. This test, when offered to be explained by that excellent person the noble earl of Argyle, was the occasion of his trial, and the sentence of death passed upon him, the execution of which he happily escaped for some time. It was this summer, that the mad and blasphemous opinions of Gib and his deluded followers came to take air; and towards the end of the year, the followers of Mr Cameron and Mr Cargill, after they were taken from them, set up their societies. Those, and some other incidents this year, will afford matter for the following sections.

SECT. I.

Of the procedure of the council, their proclamations, and the more general harassing of the country, this year, by courts, soldiers, and informers.

At Edinburgh, the managers this year, as we shall find, are busy in cutting off the owners and followers of Mr Cargill and Cameron, as they fall into their hands, without any pity almost to age or sex; but up and down the country, multitudes of other presbyterians, whom they could not pretend denied the king's authority, or maintained any things out of the road, were vexed and persecuted; and the less occasion they had given for such severity, the more unaccountable the government's way with them was. That we may have the better view of this oppression through the country, and the sufferings of particular persons to be narrated in the following sections, I shall here give the more general procedure of the council this year, from the registers.

January 20th the council renew all the former commissions given to the laird of Meldrum, notwithstanding any stop formerly put thereunto. Last year, I find the general complaining to the council, that this gentleman, under pretext of commissions from them, did not attend his post in the army, and upon this his commissions are retracted. In November last, we have seen, he was libelled by Philiphaugh and others. These representations against the oppressive procedure of the under agents in the persecution, generally speaking, had no other effect but the enlarging their powers; so was it in this case. And, February 24th, Meldrum gets additional powers and instructions. I doubt not but they were sent to such in the rest of the shires,

who had formerly council commissions given them, and therefore I insert them here.

Additional instructions to the laird of Meldrum, in execution of the commission given him before, anent disorderly and irregular persons.

"You are to proceed, according to former instructions, as a justice of peace in Berwick, Roxburgh, and Selkirk shires, for suppressing and punishing of disorders; but forbear apprehending intercommuned persons mentioned in the third instruction, discharged by his majesty's indemnity, except for delinquencies since the said act. Three of the justices are to be a quorum. If sheriffs, by collusion, shall clear any guilty persons, acquaint the council, but you are not to fine them again. You are empowered to apprehend those who were in the rebellion, and have not taken the bond, and give the council accounts what heritors have or do reset rebels on their ground."

By virtue of those, and the former commissions, most places in the west and south were oppressed in the beginning of this year, and many troublesome searches made.

I have before me a very large and circumstantiate account of the severities committed by Thomas Kennoway, one of the king's guards, afterwards, as we shall hear, killed at Swineabbay, upon the parish of Livingstone in West Lothian, of which it may not be improper here to give an abbreviate. Upon the 19th of March, Kennoway came to the parish of Livingstone, with a party of soldiers, with orders, as he pretended, to apprehend all who had been at Bothwell, though it had been much doubted if he had such orders. After he had used all his interest to get information of suspected persons, upon Saturday late, he sent out two parties with lists of persons whom they should that night apprehend, and went himself with a third party. He and the soldiers with him came first to a house a mile west from the kirk of Livingstone, where was a young man, Kennoway was told, had been concerned some way in Bothwell. The house was beset, and, being near a moss, Kennoway himself rode betwixt the house and the moss, that none might escape; his men went in, and searched the house for the man and his arms: the man who lived there was very aged, and had two sons, the one was not in Kennoway's list; and after the party had searched all the house for arms, and broke open all chests and presses, and found none, they brought the old man to Kennoway, who raged, and called him old devil, and swore he should hang him upon one end of a tow and his son upon the other, and ordered his men to bring out all the men in the house, and carry them to the next house they were to attack. When they had carried them a good way, Kennoway suffered the old man and one of his sons to go home, and kept the other prisoner. Providence ordered it so, that the young man informed against was the person they let go, not having exact knowledge of him, it being dark. With their prisoner they came to another country town, a good distance from the first house, where Kennoway alighted, and made the prisoner cast off his coat in a cold stormy night, and cover his horse with it, till the poor man was scarce able to stand for cold. In that place, the man they were searching for escaped out at a window in his shirt, and, without any other clothes, ran near a mile before he durst venture to take a house. Meanwhile, Kennoway carried away his father prisoner in his room. They made a third attempt that night on another place, still carrying their prisoners with them, but missed their prey. After they had thus spent the night, early in the Sabbath morning they came to the Swineabbay, a public house, put their prisoners in a room, and when they had lights, and saw the young man, Kennoway swore bloodily, he feared he had brought the wrong man; and the prisoner peremptorily denying he had been at Bothwell, two of the soldiers were immediately despatched to bring, as Kennoway termed him, the old dog and his other son, to Swineabbay. By this time the son had shifted for himself, and the father, through the fright and maltreatment, was fallen very ill, so that he could neither ride nor walk. The troopers brought some women to witness the old man was sick, and the prisoner was not the 1681.

1681. person in the list, which sufficiently chagrined Kennoway. However, that morning before the sun rose, he and the party with him drank eight pints of wine and brandy, and he swore the prisoners should pay it. But the poor man, brother to him who escaped, when dismissed, fell into a fever through the harsh treatment he met with, and after that into another, and a third, and in a little time died. The other parties brought in but one young man prisoner, who was soon dismissed. Kennoway sat all the Sabbath drinking, and on Monday held a court, and brought in many of the country people, putting them to their oath upon reset and converse, and fined the old man above spoken of in eight dollars, forced an heritor in West Calder to give him a bond of 500 merks before he would part with him, and committed many other insolencies. We shall meet with him in the following years. This instance may give us some view of the state of the poor country at this time; and indeed innumerable such instances might be given.

The southern shires were at this time sadly oppressed with courts. The method now taken, was to send out the soldiers through a parish, there to act as they pleased; they took up informations, examined whom they would, and harassed and spoiled families and persons without control. Then their officers, clothed with these commissions, appointed courts at such and such places, where they pretended to act a little more agreeably to justice and equity, but evidently counteracted both, and squared themselves just as they had notices given them by the informations taken up by their parties, and got by expiscation and violence. Thus I find cornet Graham holding a court, in the beginning of the year, at Dalry in Galloway, and, I suppose, in most of the parishes round. All men and women, above sixteen years of age, were cited to appear, and such who came, were put to declare upon oath, and sometimes under very odd and strange imprecations, which I shall not narrate, whether they had ever been at field-meetings, or countenanced such who haunted them, or were married, or had children baptized with such who preached at them. I say nothing of the unaccountableness or unreasonableness of this procedure, that when probation failed, the persecutors made the poor country people turn self-accusers, or run the hazard, it may be, of perjury. And when the interrogatories as to themselves were over, they were next examined upon oath, and under repeated frightsome imprecations, as to what they knew of any of their neighbours, or any in the parish, if they had heard, baptized, or married with ministers who preached in the fields, or had reset, or conversed with any who had done so. How hard a matter was it to keep clean garments in so perilous a time as this!

About the same time, courts of the same nature were held at Dumfries by that bloody man, Grierson of Lagg, and persons deputed by him; where people were brought in from all quarters, and made to depone, as to themselves and their neighbours, as above. Another court was held at Kirkcudbright by the same gentleman, and Thomas Lidderdale of St Mary's-isle, who processed and fined many persons, for crimes of which they found methods to make them guilty. Great numbers of country people round about were cited in as witnesses, and obliged week after week to attend their diets, to the great expense of the poor people, loss of their time, and hurt to their business and labour.

Perhaps some of these courts might be held upon the back of the proclamation emitted by the council, April 8th this year, against field conventicles, which I have insert below.* Reflections upon such papers,

* *Proclamation against field conventicles, April 8th, 1681.*

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith; to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as field conventicles, which were in our laws, by the universal consent of all the representatives of this our kingdom, declared to be the rendezvouses of rebellion, are now found, by the undeniable experience of all sober men, to have bred up the unwary commons unto a most atheistical giddiness, to the owning of those murdering principles, which are a reproach to the protestant religion, and inconsistent with the security of every private man, and to the contemning of their own masters and landlords:

after we have met with so many of them, are almost needless. The thread of this history leads me to notice, that at present there was almost no preaching in the fields, only Mr Cargill preached sometimes, and, generally speaking, but to a few, and in more remote corners, so that, really there was no occasion for this new proclamation, unless it was to give a colour (though indeed it does not seem to look back) and pretext to persecuting heritors and sheriffs, to go back to what had been before the date of this. The narrative bears, that the "unwary commons, by field conventicles, had been bred up in giddiness and murdering principles." This is a groundless reflection upon the commons in Scotland at this time, among whom it is certain, these murdering principles, as they are termed (owned by some few, whom oppression forced to heights) did not at all spread. Had the penner of this paper said, "That the insolence and barbarity of the soldiers, the oppressive and bloody laws, with the execution of them, and the spite and virulence of the clergy, did drive the unwary commons to extremities," it had been more agreeable to truth and fact. Next, the king is made to restore "the just rights of heritors and masters over their tenants and servants." What rights they have over them to servitude and civil claims by their tacks, I am not here to debate; but I know no right they have, or 1681.

---

we therefore, with advice of our privy council, resolving to secure, not only our government, and such of our subjects as live peaceably under it, but even to restore these very masters and landlords to their just rights over these their tenants and servants, which they so justly lost by suffering them to frequent field conventicles, in which they were so debauched in their duty to them, do hereby command and ordain, that how soon soever any field conventicle, or other conventicles, understood to be field conventicles by construction of law, shall be kept, the heritor in whose lands or house the same is kept, whether the lands belong to them in property or commonty, if they be present, or their bailies or factors, if they be absent, or their tutors or curators, and their bailies or factors, if they be minors, shall immediately advertise the sheriff of the shire, lords of regality, stewart of the stewartry, bailie of bailiary, and the magistrates of the burghs, within whose jurisdiction the said field conventicle was kept, within three days after the same is kept; certifying them, if they fail to give the said advertisement, they shall be fined in the fourth part of their valued yearly rent: upon which information, the said sheriffs, and other magistrates foresaid, shall be obliged, and are hereby commanded and required, to order the heritors of the parish to meet, and to take trial who were at, or in accession to the said conventicle. And to the end they may be the better able to proceed in the said trial, the said heritors are hereby empowered to examine upon oath such as they shall suspect, or who shall be best able to give information therein, and to return to the sheriff, or other magistrates foresaid, the trial so taken by them, and that with all possible expedition; and which trial, the said sheriffs and magistrates, or their deputes, are hereby required immediately to cite before them those contained in the said return, or any others whom they have reason to suspect to have been at the said conventicles, and to fine such of them as compear, and amerciate such as are absent, as accords of the law: upon which sentences hornings and captions being raised, under the signet of our privy council, by the said sheriffs, and the other officers foresaid, (to whom the half of the said fines and amerciaments are, for their pains and expenses, hereby declared to belong) the heritors and masters of the said rebels, are hereby obliged to concur with the sheriff or other officers, their deputes or others whom they shall name, to the poinding the said rebels' goods, apprehending their persons, and that under the pain of being liable to the fine and penalties imposed upon the delinquents. Likeas the said sheriffs and others foresaid, are hereby required to give an account of their diligence in the premisses, to our privy council, upon the first council of July and December yearly, under the pains contained in the eighteenth act of the third session of our second parliament; all which shall be without prejudice to us; and our officers of state, in our name, to raise pursuits before the lords of our privy council against such who have been present at field conventicles (though without arms) for an arbitrary punishment, or to insist before our criminal court, against such who have been thereat in arms, for underlying the crime of treason, conform to the fifth act of the first session of our first parliament, and our proclamation, dated the thirteenth day of May, one thousand six hundred seventy and nine years. And to the effect our pleasure in the premisses may be made known, our will is, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market cross of Edinburgh, and market crosses of the head burghs of the several shires within this kingdom, and other places needful, and there in our name and authority, by open proclamation, make publication of the premisses, that none pretend ignorance, according to justice, as ye will answer to us thereupon. The which to do, we commit to you conjunctly and severally, our full power, by thir our letters, delivering them by you duly executed, and indorsed again to the bearer. And ordain these presents to be printed.

Given under our signet at Edinburgh the eighth day of April, one thousand six hundred eighty and one, and of our reign the thirty-third year.

Per actum dominorum secreti concilii.

Will. Paterson cl. secr. concilii.

GOD SAVE THE KING.

1681. could have, to impose upon their consciences, and prescribe to them in religious matters, or persecute them upon their differing from them, unless we suppose the king hath parcelled out to heritors, his ecclesiastic supremacy, and they, as well as the bishops, are sharers in that. Sad had the case of the commons at this time been, had they taken their rules and pattern in morals and religion from the most part of their masters, who bare down conventicles. What right is by this proclamation restored to masters, I know not, but sure, by former and present bonds and proclamations, the rights of heritors were sadly invaded, when they were forced to become surety to the government, for their tenants and their servants, in every imposition made to please the prelates. The hands of masters here indeed are strengthened in persecution, and they are involved as actors in all the severities of the time, by their being required (and under a swinging fine) to acquaint the sheriff within three days after of a field conventicle; upon which information he is to convene the whole heritors of the parish, and they are to make trial who were at the conventicle, and take oaths thereanent; what they find is to be laid before the sheriff, and he to fine as law accords, and to have the fines. Thus the heritors, though the best noblemen of the kingdom, must be underworkers to the sheriff, yea, assist him in poinding and seizures, upon the hazard of being equally culpable with the delinquents. If this be the restoring heritors to their rights, the reader may judge. Accounts of diligence in this are to be laid before the council in July and December, and all this but prejudice to other prosecutions.

May 4th, "The council being informed, that chapmen who travel up and down the country, are the persons who debauch and abuse the people, and convene them to field conventicles, resolve, that there shall be a clause in the next proclamation that is published, discharging them to travel without passes under the sheriff's hands, that they are orderly persons." At the same time, they ordain that schoolmasters, in parishes where indulged ministers are, who have not license from the bishop, be removed by the sheriff or magistrate; and the town major of Edinburgh is warranted to apprehend such who teach schools in Edinburgh, or the suburbs thereof, without license, and abuse and corrupt the youth in their principles. That same day, upon information that John Gray, with some other rebels, had invaded the house of Mr George Gillespie, minister of Tarbolton, and wounded him and his brother-in-law, the council give orders to summon the parish to answer in terms of law, and send their thanks to the laird of Craigie for his care in that matter, and add him to the justices of the peace in that shire. June 9th, new orders are given for garrisons in several houses in the west country; and letters are writ, one to the earl of Loudon, to prepare the house of the Sorn; another, to the duke of Hamilton, as to the castle of Strathaven; and a third to the earl of Kilmarnock, as to the house of Dean. I have formerly noticed, that those garrisons were the instruments of many severities. The council issue out a proclamation for a fast, June 16th. The causes of it are a little singular, the blasphemous and sanguinary opinions of many who have left the communion of the church, the threatened famine, and the approaching session of parliament, as they stand at length in the proclamation itself, which I have added below.*

---

* *Proclamation for a fast, June 16th, 1681.*

Charles, by the grace of God, &c. greeting. Forasmuch as almighty God, who since his wonderful restoring of us to our royal rights and government, and deliverance of this our ancient kingdom from the tyrannical usurpation under which the late fatal rebellion enslaved it, hath been mercifully pleased to preserve its peace, and bless it with plenty, doth now, by his warnings and judgments incumbent and impendent, manifestly discover his anger and displeasure against the grievous sins thereof, committed by the abuse of both, in permitting many who have departed from the communion of this national church, to give themselves over to embrace and believe sad, blasphemous, sanguinary, and treasonable delusions, to the great scandal and reproach of the protestant name and religion, and inflicting a long, scorching, and threatening drought, whereby the fruits of the ground, the necessary provision for the life of man and beast, are in danger to be burned up and consumed, the Lord, for the luxurious abuse of our plenty, having so long in his righteous judgment bound up the clouds, making the heavens brass and the earth iron, thereby threatening us with pale famine:

June 21st, warrant is given to the earl of Queensberry, sheriff-principal of Dumfries, and his deputes, to call before them several merchants in Dumfries, and others in the shire, for conventicles, examine witnesses and report; meanwhile the processes against them before the council, are continued. It being represented to the council, that many persons in Kirkcudbright, Wigton, and Dumfries, who were in the late rebellion, continue in their houses, and intromit with their estates, the sheriffs and other magistrates are ordained to seize and present them to justice, and at the same time to secure their rents and lands for his majesty's use; it is likewise recommended to them to secure the country from field conventicles, and punish such as are guilty, with certification, that if they fail, the council will send in forces. In a little time, those orders are more generally extended to the shires of Lanark, Ayr, and Galloway, in a proclamation, which because I have not seen in print, and it contains a good many of such as were forfeited last year and this, I have given it here from the registers.

"Charles, &c. greeting. Forasmuch as the persons underwritten, are by decreet of the lords commissioners of justiciary, forfeited in their lives, lands and goods, 1681. for their treasonable rising in arms in the late rebellion at Bothwell-bridge, viz. David White smith in Lanark, Gideon Weir gunsmith there, David Gibson there, John Wilson writer there, Mr Thomas Pillans there, James Lawrie writer there, Archibald Simpson there, Thomas Lachlan there, William Ferguson there, John Semple mason there, Thomas Inglis there, Alexander Anderson there, John Pumphray there, John Jack in Neruplair, William Padzean mason in Lanark, Robert Lockhart of Birkhill, James Weir of Johnshilp, John Steel in Overwaterhead, John Haddow in Douglas, James White there, William Falconer in Hamilton, Arthur Tacket there, Gavin Wotherspoon of Heathrie-know, John Easton portioner of Quarryneen, Robert Goodwin maltman in Glasgow, James Cunninghame merchant there, Isaac Blackwell son to Thomas Blackwell there, William Riddel feuar in Rutherglen, Robert Fleming of Auchinfin, John Hamilton feuar in Rogerton, Thomas Craig feuar in Jacktoun, John Miller feuar of Long-calderwood, John Wilson of Highfleet, Robert Steven feuar of Newland, John Steel of Windhill, John Cochran of Craigie, James Dykes

---

and now having called a parliament to assemble at Edinburgh on the twenty-eighth of July next, for consulting and establishing the civil and religious interests of this kingdom, and for suppressing, by good and wholesome laws, such wicked principles and disorders, which tend to the subversion of both; therefore we, out of our religious disposition, have thought fit, with advice of our privy council, by this our proclamation, to indict a general and public day of fasting and humiliation, that all our loving subjects may be moved heartily to turn speedily to God by a true repentance, and to send up their fervent prayers and supplications for wise and pious directions unto, and a blessing upon the ensuing parliament, for healing the breaches, and pardoning the sins of the kingdom, especially the contempt and disobedience of the holy gospel, the great prevalency of atheism, error, schism, and profaneness and irreligion, together with the unthankful abuse of peace, with which God hath so long time blessed our government; that by serious mourning for, and sincere turning from them, the Lord may graciously pardon them, and open the clouds for preserving the fruits of the ground for the comfort of man and beast. Our will is herefore, and we straitly command and charge, that the said fast be religiously and solemnly kept throughout this kingdom, by all subjects and people within the same; requiring hereby the archbishops and bishops to be careful that the fast be duly observed in their respective dioceses, viz. the archbishops of St Andrews and Glasgow, the bishops of Edinburgh, Dunkeld, Dumblain and Brechin, to cause it to be intimated in the several parish churches within their dioceses, upon Sunday the twenty-sixth day of June instant, to be observed on Wednesday thereafter the twenty-ninth day of the said month; and the remanent bishops whose dioceses are more remote, to cause it to be intimated on Sunday the third day of July next, and observed on Wednesday thereafer, the sixth day of the said month. Which intimation is to be made by the ministers reading this our royal proclamation from the pulpit, and in exhorting a serious and devout performance of the duties and devotions becoming fasting and humiliation, as they tender the favour of almighty God, the safety and honour of the protestant religion and established government, and as they would avoid the wrath and indignation of God against this kingdom; certifying all such as shall contemn such a religious and necessary duty, they shall be proceeded against as contemners of our authority, as well as neglecters of so religious a duty.

Given under our signet at Edinburgh, the sixteenth day of June, 1681.

portioner of Halburn, John Carduf
1681. feuar in Jackton, Thomas Paton at Old-kirk of Cambusnethan, John Whitelaw of Bothwell-sheil, John Paterson there, John White of Neuk, Thomas Linn of Blairachin, John Weddale of Chisdale, John Clyde in Kilbryde, all in Lanarkshire; Gilbert Mackilwraith of Dumochry, Thomas Macjarrow of Bar, John Macjarrow of Penjarrow, Henry Macjarrow of Athalbany, George M'Chir of Benman, Henry Mackilwraith of Auchinflour, John Alexander of Dumochry, M'Unken son to M'Unken in Hilkerton, Allan Bowie son to Bowie of Drumley, James Wood in Ayr, Patrick M'Dougal of Freugh, Mr William and Alexander Gordons of Earlston, Mr William Ferguson of Kaitloch, Dunbar younger of Machirmoir, John Bell of Whiteside, John Gibson of Auchinchero, Gibson younger of Ingliston, Gordon of Dendeuch, Grier of Dalgonar, Smith of Kilroch, M'Lellan of Barmagechan, Gordon of Craigie, Lennox of Irelandton, Gordon of Barharran, John Fowberton of Auchinchrie, David M'Culloch son to Ardwell, William Whitehead of Milnhouse, John Welsh of Cornley, Neilson of Corsack, Robert M'Lellan of Barscob, Samuel M'Lellan his brother, Fullarton of Nethermill, George Mackartnie of Blacket, Gordon of Garrery, Gordon of Knockgray, Herron of Littlepark, Gordon of Holm, Gordon of Overbar, John M'Naught of Culgnad, Murdoch, alias laird Murdoch, Andrew Sword in Galloway, John Malcolm in Dalry, in Galloway. Which persons (as we are informed) do notwithstanding live and reside at or near their dwelling places, and, by themselves, or others, to their use and behoof, do uplift, possess, and enjoy their lands, rents and goods, as if they were our free and peaceable subjects, in high and proud contempt of us, our authority and laws; we therefore, with advice of our privy council, do hereby give and grant full power, authority, and commission to the sheriffs-principal of the shires of Lanark, Ayr, Dumfries, steward of the stewarty of Kirkcudbright, Sir Andrew Agnew of Lochnae, sheriff-principal of Wigton, and their deputes, to pass, pursue, take, apprehend, imprison, and present to justice the foresaid rebels and traitors, wherever they can be found in any part of their shire or jurisdiction; and in case of resistance or hostile opposition, to pursue them to the death by force of arms, or drive them forth of the bounds of their shires and jurisdictions; and, if need be, are to call to their assistance such numbers of our good subjects, as they shall find necessary for their assistance, who are hereby ordained to concur with, fortify and assist our commissioners foresaid in this our service, as they will be answerable at their utmost peril. And if, in prosecution of the said rebels and traitors, any of them shall be mutilate or slain by any of our said commissioners assisting them, we declare that they shall never be pursued or called in quesion therefore, but that the same shall be repute and esteemed good and acceptable service to us. Given under our signet, at Holyrood-house, the 8th day of October, 1681, and of our reign the 33rd year."

Subscribed *ut in sederunt.*

It seems, the former orders about garrisons had not the effect expected; and therefore, October 6th, the council appoint the above-named houses, with the castle of Dumfries, and house of Freugh, instantly to be made patent to receive garrisons; and the commissioners for supply are ordered to furnish them provisions at the ordinary rates.

Thus I have noticed what offers in the proceedings of the council, this year. This severity against all nonconformists, yea, all who were unwilling to be active in the measures of the times against them, gave great occasion, and no small temptation to many to turn informers against serious and religious persons. The people who had once professed to be presbyterians, and had now apostatized, certainly had the greatest opportunities to gratify the managers, and too many such there were. But not a few others likewise lived upon this base and malicious trade of informing against presbyterians. One instance of this I have from a person of honour, well vouched, and so I insert it here, instead of many others that might be given. Whether it was at this time precisely, or some time afterward, I

am not positive, my information wanting a particular date: but the fact is certain, and I find this scandalous method was much countenanced by people in power at this time. There was an idle dissolute fellow, a weaver to his trade, named Greenshiels, in the shire of Renfrew, who, finding informers were much caressed, went into Edinburgh, and found means to get access to some of the managers, members of the privy council. To them he represents, he could be very useful in discovering and apprehending outed ministers, gentlemen, and others who entertained and heard them. Such a proposal being very welcome, orders were given to the commanding officer of the forces at Glasgow, to furnish Greenshiels with such a number of men as he required, with power to him to give orders to them. Accordingly, he comes with a party of about twenty soldiers, to the house of Duchal, in the parish of Kilmacomb, one night about midnight. That excellent and worthy gentleman before named, and whom we shall afterwards meet with, was at home, and desired to know what their business was, and what orders they had to disturb him and his family, and attack his house at such an unseasonable time. The soldier of the best fashion declared to the laird, that indeed he knew nothing of the matter, and that he was to receive his orders from Mr Greenshiels, who was with them; and the man added, "Sir, should he just now order me to shoot you dead on the spot, I durst not be answerable to disobey." Greenshiels then told Duchal, he had orders to search his house, and accordingly the doors were opened, and they made a very narrow search through all the rooms of the house for field-preachers, vagrant ministers, forfeited persons; and when none were found, he would needs lodge with his whole party in the house. The gentleman had nothing left but passive obedience; and so for several days they quartered upon his house. After a day or two's stay, Greenshiels offered to retire, if they would give him a sum of money. Duchal being conscious of no fault, peremptorily refused to give any thing. Whereupon they continued until they eat up most of the family provision; and then they rifled the house, took away the silver spoons and the knives, and went off. 1681. In justice I must add, that the government were afterwards so much ashamed of this step, that they ordered Greenshiels to be apprehended, and Duchal's silver spoons being found on him, he was ordered to be whipped. What punishment, then, did such deserve, who countenanced and employed such a villain, or committed such unlimited power to him? I blush to set down such practices, which look rather like a Turkish or French government, than an administration which had any pretext to law or justice.

SECT. II.

Of the proceedings of the justiciary this year, against many heritors, for alleged being at Bothwell, and their process against John Spruel, with the pleadings before them, upon torture, and other points.

I COME now to lay before the reader, the procedure of the criminal court during this year, and begin with the more general processes of forfeiture, wherein the justiciary make very short work. In March, the heritors of Lanarkshire are before them, and in April many from Ayrshire; it is but a short hint at both that I need to give.

Upon the 18th and 21st of March, I find, by the registers, great numbers of heritors in the shire of Lanark are present, and called. I may class them in two branches; some of them make a resignation of their lands, and are dismissed; and others of them stand their trial, and are forfeited, many of them in absence. Of the first sort, John Williamson, son to Joseph Williamson, heritor in Holl, John Spruel younger, writer in Glasgow, James Walker younger of Hacketburn, William Tweedale, late bailie of Lanark, Hugh Weir merchant there, being pannelled, they have an offer made to them of the king's indemnity, and accept of it, and renounce and resign in favours of the king, commissioners of the treasury, and their donators, all lands and heritages fallen to them, or which

1681. they had a right to, before his majesty's act of grace, and as to them the lords desert the diet *in perpetuum*. This was a kind of composition by voluntary parting with that part of their heritage, which they had a right to in their own person, and then at the death of their parents they came in to the rest of the lands. Thus somewhat at least was preserved, but it was but few got this favour.

The far greater number, who were, as the former, cited to this diet, and indicted in common form, as guilty of the rebellion at Bothwell, met with harder measures, as David White smith in Lanark, and other forty-six belonging to Lanarkshire, whose names are inserted in the proclamation, of the date October 8th, just now inserted, p. 247. These had probation led against them in absence, and all that is proven against most of them is converse with rebels, when they were going up and down that shire, and lying in camp there, in which the whole shire was necessarily at that time involved; and they are all forfeited in common form, and ordered to be executed as traitors, when they shall be apprehended. A few others are brought off by the verdict of the assize, as not having their indictment proven against them. Indeed the probation against them who are forfeited is abundantly lame; but, it seems, the advocate would have all who did not resign their lands to be concluded under the same condemnation, and threatened the people on the assize, with a process of error; and I find August 3d, a process of error raised against those who had been upon the assize in March last, and had liberate some of the heritors of the shire of Lanark, notourly known to have been at Bothwell-bridge. There are in the records very long and learned debates, by the lawyers, in defence of the assizers. The matter is very intricate, and turns upon quisquous points. At length all the assizers, except three, come off one way or other. Some of them decline their defences, and come in the king's mercy: the advocate deserts the diet against others. The three whom he insists against, are Alexander Gray and James Bailie, merchants in Edinburgh, and James Gray of Waristoun. The court decern them to have amitted all their chattels, and other moveables, to his majesty's use, and to lie in prison a year's time. This was done *in terrorem*, and to fright all others, who should be afterward on the assizes of persecuted people, heartily to fall in with the measures of the managers.

Upon the 5th of April, these who were alleged to have been concerned in Bothwell rising in the shire of Ayr, were indicted in common form; a great many are delayed, and some have their diet deserted. At this time there are only Gilbert Mackilwraith of Dummorchie, Thomas Macjarrow of Bar, John Macjarrow of Penjarrow, Henry Macjarrow of Anthalbanie, George M'Lure of Bennam, Hugh Mackilwraith of Auchinflour, John Alexander of Drummochrian, M'Michan, son to M'Michan of Killentrian, Allan Bowie, son to Bowie of Drumbog. The last was at Hamilton-muir, but the witnesses depone he wanted arms. The depositions against the rest, generally speaking, bear, that they were seen with the rebels, when going up and down the country, and very few of them are seen at Hamilton-muir. They are all forfeited, and when taken, to be executed as traitors in common form. Some papers before me say, there was no proof against John Alexander of Drummochrian, his being at Bothwell. The earl of Glencairn had the gift of his estate, and made it over to John M'Levan of Grimmat, who possessed the same till the end of the year 1693, notwithstanding the act 1690, rescinding forfeitures. Some other of the forfeited estates were possessed by the donators, for some years after the revolution: so long did the effects of these iniquitous acts continue. George M'Lure of Bennam, in the parish of Bar, his lands were about three hundred merks a year, and his moveables a thousand pounds; both were possessed by Edmonstoun of Broich: he himself was afterwards apprehended, continued in prison about a year, and died abroad. Hugh Mackilwraith of Auchinflour was likewise taken, and by money to the advocate, and composition with the donators for his lands and moveables, and for procuring a remission, expended, as appears by an account

before me under his hand, about seven thousand merks, and yet his lands were but about two hundred merks yearly rent. The same day the court desert the diet against Robert Fullarton of Bennels, Robert Nisbet of Greenholm, Kennedy, younger of Glenour, and James Aird younger of Milton, who compeared upon the pannel, and offered to abide a trial. I may notice it generally in both these processes, that sentence passes only against absents, and when heritors appear and abide their trial, few of them are found guilty. Indeed it was very easy finding people guilty, when not present to answer for themselves, which was the case of the most part.

I have before me a well vouched account of the sufferings of James Aird of Milton, lately got to heaven. This worthy man's character needs scarce be given, he was so well known in the west of Scotland, for his eminent piety, and unwearied employing himself for the good of souls; and the loss sustained by his death is truly very great. His father, John Aird, was a merchant in Glasgow since the revolution, and he lived much at and near Kilmarnock, in this period I am upon; they were both fined once and again, for not hearing the episcopal ministers. While Mr Aird younger was at Kilmarnock, Mr Carnegie curate there, upon a sabbath-day, which was very stormy, and the church very thin, at the close of the afternoon's sermon, having caused lock the kirk doors, called over the names of the parishioners, at least the heads of families, and whoever did not answer to their names were marked absent, and his name given up, and fined. In the year 1678, twenty-four soldiers were quartered upon him for twenty days, and after they removed, twelve more for fourteen days. When before the justiciary, fifty-five witnesses were sworn as to his being at Bothwell, but nothing being proven, his diet before the justiciary was deserted, and he liberate. However, he was forced to agree with the laird of Broich, who, upon the account of alleged reset and converse, got a gift of his moveables, and to give him a thousand merks, and his charges before the justiciary were upwards of three hundred merks; and yet, in a few weeks after he was liberate, parties were sent to his house in quest of him. He was for forty-two nights forced to lie in the open fields, and for several years obliged to abscond, and put from looking after his affairs. Many times parties came to his house, and rifled it of every thing they could carry away. After all this trouble this excellent Christian had thirty years of the enjoyment of pure gospel ordinances, since the revolution; and he used to say, one of the gospel days, and refreshing communions we have since had, was more than a reward for all the small sufferings (as he was pleased to term them) he had endured. 1681.

Having thus gone through the more general forfeitures this year, let me observe, that upon the last of January, Thomas Turnbull of Standhill, and Walter Turnbull of Bewly are forfeited in absence in common form, by the justice court; the probation of their being in arms at Bothwell is pretty plain. Several other heritors in the Merse and Berwick-shire are cited to this diet, and some compeared, and some not; but probation fails against them, and so I need say no more about them.

I find upon the 16th of February, the process of forfeiture against Alexander Hamilton of Kinkel, which since July 1679 hath been still in dependance, is deserted before the council. And upon the last of February, Kinkel appears before the justiciary, and produces an act of council bearing, "that considering, Alexander Hamilton of Kinkel hath been long before the justiciary, and the advocate is not ready to insist, the council order him to be liberate, he giving bond to appear when called." Accordingly the justice court desert the diet upon Kinkel's giving bond and caution to compear under penalty of ten thousand merks. The great cause of this good man's getting off thus, was, by former oppression, fines and hardships, his lands were brought so low, that they were scarce worth a donator's while to seek after.

I shall end this section with an account of the process against John Spreul, apothecary in Glasgow, who was before the justiciary June this year, and give it at some length, both because it was after torture, and made no little noise; and I have distinct and attested accounts of it, and he

1681. continued more than six years a close prisoner after torture. This gentleman is yet alive after all his sore sufferings, and I know his modesty will not allow me to give that character of him which he deserves, and therefore I shall only relate his sufferings as they stand in the public records, intermixing some other hints which I have well vouched. Mr Spreul's troubles began very soon after Pentland. His father, John Spreul, merchant in Paisley, was fined by Middleton, although he had suffered for his refusing the tender; he paid the one half of his fine, and being prosecuted for the other, or rather his refusing the declaration, he was forced, with many other worthy persons, to abscond. When general Dalziel came, as we have heard, to Kilmarnock in the year 1667, a party of soldiers were sent to Paisley, and took Mr Spreul, whose sufferings I am now relating, prisoner, merely because he would not discover where his father was. At that time, after many terrible threatenings of being shot to death, roasted at a fire, and the like, and some short confinement, he was dismissed. In the year 1677, he was, with Aikenhead and many other gentlemen, cited before a court in Glasgow, of which some account has been already given. Finding that severity was designed against all that compeared, Mr Spreul absented, and was with several other worthy persons denounced and intercommuned, though nothing was laid to their charge but mere nonconformity. This obliged him to quit his house and shop, and go abroad, sometimes to Holland, France and Ireland, and merchandise. He was in Ireland with his uncle Mr James Alexander in May 1679, and came over to Scotland after the scuffle at Drumclog in June, and went to his house at Crawford's dyke, where understanding the conduct of the west country army, he had no freedom to join them, though his own brother James Spreul, and two cousins, John Spreul writer, and John Spreul merchant in Glasgow, were with them in arms. His business obliged him to be with some in that army, but he never joined them. After the defeat at Bothwell he absconded again, however his wife and family was turned out of his house and shop, and all the moveables secured. Within a little he retired to Holland, and stayed there some time, where hearing of the continued persecution in Scotland, and growing divisions among the sufferers, he came home 1680, with a design to bring his wife and family to Rotterdam. When lurking at Edinburgh, November 12th, a severe search was made for Mr Cargill and his followers, and Mr Spreul was apprehended by major Johnston when in his bed, and his goods he had brought from Holland seized by the party, though none of them were prohibited. He was carried first to the general, and then to the guard at the Abbay, where Mr Skene and Archibald Stuart were prisoners; with whom he was carried up to the tolbooth next day about nine of the clock when the council was convened. By the council registers we have seen he was examined November 13th, but his answers are not insert, and therefore I shall give the substance of what passed as far as Mr Spreul could remember. He was interrogate, were you at the killing of the archbishop? *Ans.* I was in Ireland at that time. *Quest.* Was it a murder? *Ans.* I know not, but by hearsay, that he is dead, and cannot judge other men's actions upon hearsay. I am no judge, but in my discretive judgment I would not have done it, and cannot approve it. He was again urged; but do you not think it was murder? *Ans.* Excuse me from going any further; I scruple to condemn what I cannot approve, seeing there may be a righteous judgment of God, where there is a sinful hand of man, and I may admire and adore the one when I tremble at the other. *Ques.* Were you at Drumclog? *Ans.* I was at Dublin then. *Ques.* Did you know nothing of the rebels rising in arms when in design? *Ans.* No; the first time I heard of it was in coming from Dublin to Belfast in my way home, where I heard that Claverhouse was resisted by the country people at Drumclog. *Ques.* Was not that rebellion? *Ques.* I think not; for I own the freedom of preaching the gospel, and I hear, what they did was only in self-defence. *Ques.* Were you at Bothwell with the rebels? *Ans.* After my return

from Ireland I was at Hamilton seeking in money, and clearing counts with my customers, so I went through part of the west country army, and spoke with some there, since the king's high-way was as free to me as to other men; but I neither joined them as commander, trooper, nor soldier. *Ques.* Was that rising rebellion? *Ans.* I will not call it rebellion, I think it was a providential necessity put on them for their own safety, after Drumclog. This confession of his he was urged to subscribe, but absolutely refused it. By the registers, I find, "Mr Spreul before the council, November 15th, confesseth he was in company with Mr Cargill in Edinburgh, but will not discover in what house, and adds, that there was nothing betwixt them but salutations." Mr Spreul having come from Ireland in the time of Bothwell, and being just now come from Holland, and owning he had been in company with Mr Cargill, the managers were of opinion that he could give them more information: and now being got into the inhuman way of putting people to the torture, and A. Stuart being examined this way, November 15th, that same day the council pass the following act. "The lords of his majesty's privy council having good reason to believe, that there is a principle of murdering his majesty, and those under him, for doing his majesty's service, and a design of subverting the government of church and state, entertained and carried on by the fanatics, and particularly by Mr Donald Cargill, Mr Robert Macwaird, and others their accomplices, and that John Spreul and Robert Hamilton have been in accession thereunto, ordain them to be subjected to the torture, upon such interrogatories as relate to these three points. 1st. By what reason and means that murdering principle is taught and carried on; who were accessory to the contrivance of murdering; who were to be murdered; and also as to the archbishop of St Andrews's murder. 2nd. If there was any new rebellion intended; by what means it was to be carried on; who were to bring home the arms; if any be brought or bought, and by whom; who were the contrivers and promoters of the late rebellion at Bothwell-bridge. 3d. Who were their correspondents abroad and at home, particularly at London, or elsewhere; what they know of bringing home or dispersing seditious pamphlets, and such other particulars as relate to those generals. And give full power and commission to the earls of Argyle, Linlithgow, Perth, and Queensberry, treasurer-depute, register, advocate, justice-clerk, general Dalziel, Lord Collington, and Haddo, to call and examine the said persons in torture, upon the said interrogatories, and such other as they shall find pertinent upon the said heads, and report." I find no report in the council books, because nothing was expiscate by torture, which was not before acknowledged. Indeed there was nothing in this plot and murdering design, but imaginary fears, and therefore I shall, from other papers, give some account of this torture, the questions proposed, and answers given by Mr Spreul, as far as his memory could serve him afterwards to write down. The lord Haltoun was preses of this committee, and the duke of York and many others were present.* The preses told Mr Spreul, that if he would not make a more ample confession than he had done, and sign it, he behoved to underly the torture. Mr Spreul said, "He had been very ingenuous before the council, and would go no further; that they could not subject him to torture according to law; but if they would go on, he protested that his torture was without, yea, against all law; that what was extorted from him under the torture, against himself or any others, he would resile from it, and it ought not to militate against him or any others; and yet he declared his hopes, God would not leave him so far as to accuse himself or others under the extremity of pain." Then 1681.

* "When any are to be struck in the boots, it is done in the presence of the council, and upon that occasion almost all offer to run away. The sight is so dreadful, that without an order restraining such a number to stay, the board would be forsaken. But the duke [of York] while he had been in Scotland, was so far from withdrawing, that he looked on all the while with an unmoved indifference, and with an attention as if he had been to look upon some curious experiment. This gave a terrible idea of him to all that observed it, as of a man that had no bowels nor humanity in him."—Burnet's History of his Own Times, vol. II. p. 124

1681. the hangman put his foot in the instrument called the boot, and, at every query put to him, gave five strokes or thereby upon the wedges. The queries were, whether he knew any thing of a plot to blow up the Abbay and duke of York? who was in the plot, and where Mr Cargill was, and if he would subscribe his confession before the council? To these he declared his absolute and utter ignorance, and adhered to his refusing to subscribe. When nothing could be expiscate by this, they ordered the old boot to be brought, alleging this new one used by the hangman was not so good as the old, and accordingly it was brought, and he underwent the torture a second time, and adhered to what he had before said. General Dalziel complained at the second torture, that the hangman did not strike strongly enough upon the wedges; he said he struck with all his strength, and offered the general the mall to do it himself. Mr Spreul was very firm, and wonderfully supported, to his own feeling in body and spirit, during the torture. When it was over, he was carried to prison on a soldier's back, where he was refused the benefit of a surgeon; but the Lord blessed so the means he himself used, that in a little time he recovered pretty well. That same day his wife came to Edinburgh, but by no means could she be allowed access to him, to help him after his torture. When he was recovered, the advocate sent him an indictment, and, in March this year, he was before the justiciary; but the advocate's witnesses were not ready, and so the process was delayed. Under this dilature, new witnesses were got in from the west country; and Mr Spreul was brought before some counsellors, and the witnesses confronted with him. Mr Spreul contested against examining witnesses extrajudicially, and not before his judges and the assize, and took instruments in the clerk's hand. Meanwhile, he was informed by one present, that some of the witnesses were threatened, and others of them had large promises given them to bear testimony against him. Yet, after all, the lords themselves began to think the probation would not reach his life; but the duke of York very much pressed their going on, alleging they were at much pains about poor country people, but Mr Spreul was more dangerous than five hundred of them.

In March, an incident fell in, which brought Mr Spreul to some more trouble before his trial, and it deserves a room here. John Murray a sailor was sentenced to die for his being at a conventicle in arms, as we shall hear. A good many had been already executed chiefly at the duke of York's instigation, and some of the managers were willing to show this man some favour. Accordingly, several draughts of a petition were proposed to him, which if he would sign, the council would procure him a reprieve: he refused them all, as what he thought imported a receding from his principles. At length, Sir William Paterson calling Mr Spreul who was in the same room of the prison with John Murray, to another, told him, the council inclined to spare Murray, and entreated him to deal with him to sign any petition, and he would present it. Mr Spreul was not willing to engage much in this matter, lest he should be mistaken, and misrepresented; and John Murray would not direct any petition to the duke of York: however, at length he drew a declaration with a petitory clause added to it, which satisfied John, and he signed it. It was directed to the council, and ran, "Whereas I am sadly misrepresented to your lordships, as if I were a man of king-killing principles, I declare I would kill no man whatsomever but upon self-defence, which the law of God and nature allows; I own the free preaching of the gospel, whether in the fields or houses, seeing it is written, 'without faith it is impossible to please God, and faith cometh by hearing.' I also own Jesus Christ as the only head of his own church, and King of saints, and disown all others pretending thereunto. May it therefore please your lordships, to recall the sentence against me, as if I were of dangerous and king-killing principles, lest you bring innocent blood upon your own heads, this city, and inhabitants thereof; for I declare I am no papist, and hate and abhor all those jesuitical, bloody, and murdering prin-

ciples." When this petition was read in council, John Murray was asked, who drew it: with much difficulty he was brought to tell; and straightway Mr Spreul was called before them, and interrogate, if he knew any thing about a petition presented by John Murray. He asked a sight of it, and owned it his writ, desired it might be read before him, and that he might know what was objected against it; and acknowledged he had drawn it at the clerk's earnest desire, and again entreated it might be read, that he might know what they quarrelled in it. This was not done, but the duke of York rose up, and said with a frown, "Sir, would you kill the king?" after a pause Mr Spreul directing himself to the chancellor, said, "My lord, I bless God I am no papist, I lothe and abhor all those jesuitical, bloody, and murdering principles; neither my parents, nor the ministers I heard ever taught me such principles." A great silence followed, and many expected that Mr Spreul should have been sent to the irons immediately. In a little, the chancellor asked Mr Spreul, if he had been at Bothwell, and some other questions relative thereto; which the pannel declined giving answers to, since he was before the justiciary. There was not one word more of the petition; but, it is probable, what he spoke at this time made his prosecution the more violent before the justiciary, of which I now come to give account from the registers.

March 2d, John Spreul, apothecary in Glasgow, is indicted before the justiciary for treason and rebellion, and the lords continue his process till June next. Upon the 6th of June I find him in the pannel, and the lords desert the diet *simpliciter*; whether it was from some informality in the libel, or what was the reason, I cannot tell, but upon the 10th of June, Mr Spreul is brought again before the justiciary, and the advocate produces an act of council, dated June 9th, ordering him to pursue a forfeiture against the said Mr Spreul; and accordingly presents an indictment of treason and rebellion, for corresponding and being present with the rebels at Bothwell. It runs in the common form which is insert above, and so needs not be repeated here. Only I notice, that he is charged 1681.
'with keeping company and corresponding with Mr John Welsh and Mr Samuel Arnot, the bloody and sacrilegious murderers of the late archbishop of St Andrews;' which is an arrant falsehood, those two ministers having had no share in that fact. The pannel's advocates are Sir George Lockhart, Mr Walter Pringle, Mr James Daes, Mr Alexander Swinton, and Mr David Thoirs. In the entry, the king's advocate declares, he makes use of the pannel's confession, when put to the torture before the council, only as a mean of probation to adminiculate the other probation to be led, but does not insist upon that confession at this time, either as a crime *per se*, or as a sufficient mean of probation, without being adminiculate, as said is. Mr Pringle alleged, the defender could not pass to the knowledge of an inquest, because it is offered to be proven, that he being examined before the council for the same crime, and having denied the same, and thereafter being tortured two several times, he still denied the same, and consequently, by the law of this and all other nations, he cannot be impannelled nor condemned for that crime, upon any new probation, and protests the pannel may be heard upon the relevancy of any pretended confession, adduced as an adminicle. The advocate replies, that a denial upon torture cannot infer absolute liberation, since no man's obstinacy should be of advantage to him; and that were to make disingenuity a remission, and tempt criminals to conceal truth; nor does torture in law import any more than a presumption of innocence, *et adumbratam veritatis speciem*; but so it is, that in law presumptions may be taken off by clear probation, *præsumptio cedit veritati*; and judges and magistrates being forced to put suspect persons to torture, how soon they are apprehended, for preventing further danger; if this torture, by way of inquisition, preclude future probation, it will follow, that either crimes must be left undiscovered, by not putting suspect persons to torture, or that pannels be absolved and suffered to go unpunished, by wanting after opportunities of leading just probation against them; and (added he) how absurd would it be, that a

1681. person guilty of burning a metropolis, and yet denying this in a preparatory trial, should be let go, when afterwards he might be convict by plain probation? By this means wicked persons might escape: but there can no hurt follow from the advocate's position, that torture only ought to prevent a new trial upon *indicia conjecturæ*, and presumptions, but not upon a clear probation. He further asserts, that the most that can be pleaded in law is, that no man can be tried upon the principal and chief grounds and points for which he was tortured; but the pannel was never tortured upon the grounds he is now to be tried upon: that he was tortured upon his accession to the king's excommunication, correspondence with Cargill and other rebels in Holland; whereas now he is to be tried upon his being in arms with the rebels. He adds, that the pannel, upon torture, had neither cleared himself, nor satisfied the judges, but continued in one insuperable obstinacy; and therefore the reason from the torture ceases. And lastly, he alleged there could be no necessity to examine the pannel, as to his accession to the rebellion, since it is offered to be proven, that previously to his torture, he confessed this crime clearly and liquidly. Sir George Lockhart duplies, that the defence offered for the pannel, is so much founded upon the common law, the law and custom of nations, the opinion of the most eminent criminalists, the practice of the most famous tribunals in Europe, that it cannot be elided; for it is not controverted, that if the accuser in a criminal process only make use of a presumptive probation, without putting the pannel to torture, the law in that case considers the concourse of adminicles and presumptions, and in that case *præsumptio cedit veritati*, according to the pregnancy of the adminicles or presumptions urged; but when the accuser, not trusting to any probation he is able to adduce, recurs to the extraordinary remedy of torture, as *medium explorandi et indagandi veritatem*, in which torture, as being that which the law looks upon to be *res fragilis*, and by which the innocent is as oft oppressed as innocency discovered; in that case the common principles of law, and custom of nations, has proceeded with that equality of justice, that as in case an innocent person, forced by torture to confess the crime, behoved to be condemned; so parity of reason requires, that if the person *patientia sua vicerit vim tormentorum, absolvendus est, non solum ab instantia, sed etiam a crimine.* And the reason is, because the accuser, by recurring to the extraordinary and subsidiary remedy of torture, does place the whole vigour and effect of the affair, upon what shall be the effect of the torture, and that whether the pannel confess and be condemned, or by enduring, purge all manner of probation that was competent against him. Again, it is true that if the judge or pursuer do not subject the pannel to torture, or in torture do not interrogate him *super ipso crimine et facto principali*, but only *pro ulteriore veritate indaganda, vel circumstantiis delictum aggravantibus*, in that case the torture cannot operate as to the principal fact; but that does not concern the point in question, in regard it is offered to be proven, this pannel was tortured, not upon any special copy of particular presumptions delivered to him, nor upon these special points condescended on by the advocate, but was tortured twice most violently *super ipso crimine*, and the principal deeds libelled, and was particularly interrogate, if he was not present with the rebels at Bothwell-bridge, Hamilton muir, and Glasgow; upon all which he suffered torture without any acknowledgment. And what can be of more dangerous consequence, than that subjects accused of crimes, be first, by way of expiscation, subjected to the horrid pain and violence of torture? and that notwithstanding that many times their members be torn, lacerate, and disenabled for all their lives, yea, may run the hazard of their lives, and after all shall not by enduring so much, redeem themselves from further trial as to these crimes, if this doctrine be laid down, in all criminal processes the first inquiry shall still be by torture, which the law only allows as the last and extraordinary remedy, and *in subsidium*: yea, torture is of itself of so extraordinary a nature, as the customs of many nations do altogether reprobate it, and that even as

the last remedy; but no law will allow it to be made use of, and parties still liable to further inquiries, as to the same crimes. And he adds, that there is no prejudice hereby to the public interests, or to his majesty, because the just and regular way is still patent, and his majesty's officers are first to use their utmost inquiry for probation; and if this fail in treason *et criminibus exceptis*, there is room for the last remedy: it is the constant opinion of all lawyers, that when once torture is used, it excludes all further probation, and the lords of the justiciary are desired to cast their eyes upon Farin. quest. 40, Clarus, quest. 84, No. 38, where he says, that all the world is of opinion, that torture purges, *etiamsi delictum fuisset contra ipsum plene probatum*, and that if it were not so, double punishment is undergone: and Gomesius, cap. 13, No. 28, Carpzovius's quest. 125, Damaderius, Prax. criminal. cap. 29. And as there is no positive law and act of parliament in Scotland for torture, except in so far as it is founded on custom and common law, so the effects of torture must be interpret according to those; yea the practice of this nation hath been exactly agreeable to these. In the year 1632 and 1633, John Toshach being pursued as guilty of statutory treason, for wilful fire, and burning the house of Frendraught, the pannel being interrogate, not upon the whole fact, as libelled, but precisely, whether he entered into the vault with a candle that night the house was burnt, and upon this subjected to torture, and denied it; and the process continuing from August to November, and thence to February, and his majesty's advocate urging a new probation, and the pannel's lawyers advancing his torture as a defence; the lords of justiciary sustained it, after advising with the council, and long considering the affair. The practick holds much stronger in this case, wherein the pannel was tortured upon the former crime and question. And as to the pretence, the pannel had confessed the crime before torture as to himself, and was only tortured as to his complices, and its circumstances not now insisted upon. It is answered, this does not elide the defence, but resolves in a denial thereof, which meanwhile is offered to be proven: and further, no such pretended confession is produced in writ, under the pannel's own hand; and though it were, it is only extrajudicial, and cannot be a mean of probation before an inquest; and it is not to be supposed, that after a confession his majesty's advocate would put the pannel to torture: and further, it cannot be sustained without the danger of all men's lives, that the depositions of witnesses may be made use of to prove pretended confessions, whereupon to infer guilt, the confessions not being extant. The pannel indeed was desired to subscribe a paper containing his confession, but he absolutely refused the same. His majesty's advocate consents, that it shall be relevant to the pannel to prove, that he was tortured upon this very point by command of council; and for verifying the contrary, the commission itself, November 15th, upon which he was subjected to torture, is adduced, which hath been insert above, and needs not be repeated. Sir George Lockhart duplies for the pannel, that the pretext advanced by the advocate is irrelevant, that there can be no necessity on the pannel to prove that he was interrogate, as to the crimes libelled by the authority of council. He was not in the least obliged to consider who interrogate him, there being a committee appointed by council, and he examined in their presence; no more can be required but a proof, that *de facto* he was interrogate upon the crimes now libelled, as he offers to prove. To suppose he was otherwise interrogate than their commission bears, were to stage the committee of illegal procedure; but it is certain the pannel was interrogate on the crimes libelled, and his answers drawn up as his confession; yea, the council's commission allows particulars upon the general heads set down. After these debates, the lords by their interlocutor, "find the dittay relevant, and remit the probation to an assize, and repel the defence founded upon the torture, in respect the commission of council did not warrant the pannel to have been questioned upon any of the crimes mentioned in the dittay, and continues the said action till the thirteenth instant." 1681.

1681. Upon the 13th, Mr Pringle alleged for the pannel, that notwithstanding the interlocutor and commission produced, the defence ought to be sustained, and takes instruments upon the production of the commission, and contends notwithstanding of that, the committee had power to interrogate upon the crimes libelled, by the second branch of their powers, and the general clause at the close of the third branch; that agreeably to these, they might justly interrogate him if he was at Bothwell-bridge, and offers to prove he was accordingly interrogate. Mr David Thoirs adds, that the committee are sole judges of the pertinency of the interrogatories, and he having in torture denied the same, he must be absolved. The advocate oppones the commission and interlocutor, and offers to prove, that it was argued and concluded in council, that he should not be interrogate upon his accession to Bothwell-bridge; and the committee again agreed he should not be interrogate *simpliciter*, upon his being in the rebellion, which is the only thing now insisted on. To this Sir George Lockhart oppones the commission of council, and the pannel again and again takes instruments, and protests it may lie and remain in the clerk's hand; and adds, that commissions upon which so important effects have followed, as torture, ought not to be subjected *ex post facto* to glosses and interpretations; that the allegance of contrary resolutions is no way relevant, because *tantum creditur judici, quantum apparet ex actis*, and the commission under the clerk's hand, can never be redargued by any probation of verbal conclusions and debates; and it is an unanswerable argument, the committee proceeded according to their commission, that it is again and again offered to be proved, that the pannel was subjected to torture the second time, because he refused to sign the confession offered him, which, among other things, contained an answer to an interrogatory as to his accession to Bothwell. The lords having considered this, with the former debate, "find no new matter alleged for the pannel, and adhere to their former interlocutor, and remit the dittay to an assize." Their names I omit for brevity; after they are lawfully sworn, and the advocate adduces his witnesses,

John Laing, chirurgeon in Hamilton, depones, he was with the pannel in June 1679, in Hamilton, about fitting accounts betwixt them, according to an appointment made before the pannel went to Ireland; that not being able to end them, the pannel took his horse, and rode away with pistols and holsters towards Glasgow, and that he used to see the pannel before the rebellion ride with pistols, and that no discourse passed betwixt them as to the rebels then in arms, and this was about eight days before the engagement, and the pannel said he was come straight from Ireland.

David Caldwell in Monkland is next adduced. Mr Pringle objects against him, in regard, that since the pannel was cited upon this libel, he hath been examined, and deponed upon the contents of the libel, and by no law can any previous inquisition be made, or witnesses examined after a criminal pursuit is raised: and Sir George Lockhart adds, that this matter is of the last importance as to the lives of people, that after pannels are accused, the witnesses shall not be adduced or examined but in judgment, and in presence of the pannel and inquest. The reason is plain, because the pannel is to be confronted *in omni actu judiciali*, which concerns his life, with the witness, and he to be interrogate upon the mutual interrogatories of the pannel, which may tend to clear the pannel's innocence, and the witness is not to be predetermined, by depositions upon oath, without calling the pannel, which in law is *proditio testimonii*. This was determined by this court, January 8th, 1672, in the case of the present justice-general, and the Johnstons of Carshago, and my lord advocate in his criminals sets down and approves the said decision. The advocate answers, that *proditio testimonii* is only reprobate by law when ultroneous, and not when oath is given before a judge, which can be no prejudice to a pannel, and is necessary in many cases, especially that of rebellion, which is so horrid a crime, that many things are sustained in a process of that nature, not allowed in other cases, such as *socii criminis;* and it is necessary

in this case, that it may be known what witnesses are to be secured, who otherwise would not come. Besides, in March last, after a solemn debate, this very defence was repelled in council, and the justices commanded to examine, and did so. He added, that as there is no hazard in doing so, the hazard to the commonwealth is great, if this be neglected; that honest witnesses upon oath will depone nothing but truth, and that still any depositions probative must be in the party's presence, and this court is not to regard any depositions but what are before them: that the previous trial does not hinder the pannel from propounding his interrogatories, which is the reason of the act of parliament; and though after the libel is given, nothing can be further done by way of inquest, and further burdening the pannel, yet oaths may be taken for clearing what witnesses ought to be secured, lest they abstract themselves for being in the same crime, otherwise sometimes a hundred of the lieges behoved to be secured at once: and lastly, the advocate declares he makes no use of the previous deposition. Sir George Lockhart replies, the objection stands in full force; for although *in indicio inquisitionis*, before a person be cited as guilty, there is room to hear the declarations of witnesses, yet *in indicio accusationis*, and when the party is indicted, there is no room for proceeding, but where the party is present; and it is of no effect for the lord advocate, to declare that he makes no use of the former depositions, for they have already had their effect prejudicial to the pannel, viz. to limit and predetermine them, so that they cannot depone otherwise than already, without infamy and perjury: and it is not to interpret but to subvert the act of parliament, act 90th, parl. 11. Jam. VI. to say that witnesses may be first examined upon oath, the pannel being absent, and then examined again in his presence, after they have deponed. As to this, points being already determined in the point of Lanark heritors, March last, it is answered, the pretence is groundless, and it is peremptorily asserted, that since the foundation of this court, there was never a witness examined upon oath in the pannel's absence, after he was accused, and there can be no exception, except when the pannel, after citation, is contumaciously absent. And even in that case, there can be no further procedure made, not so much as to examine witnesses to lie *in retentis*, except in the case of open rebellion and public sedition, and that only by virtue of a late act of parliament, before which witnesses could not at all have been examined. After this long debate, the lords "repel the objection founded upon the depositions taken by order of council, in regard they do not allow his majesty's advocate to adduce them as a probation, and ordain the witnesses to be received." Sir George Lockhart takes instruments, that it is acknowledged there were other depositions taken of the witnesses out with the presence of the pannel. Another objection is made against the same witness as *socius criminis*; but the lords repel it, because he hath taken the bond appointed by the indemnity, and the process is of treason. Sir George Lockhart takes instruments, that it is acknowledged the witness was in the rebellion, and has taken the bond. Then David Caldwell depones, he thinks he saw the pannel riding in arms half a mile from Hamilton, the Friday before the defeat at Bothwell; that there were some men with him whom he knew not to be rebels, but some of them had arms; that he never saw the pannel before that he was half a mile from the body of the rebels; that he does not know if the pannel was repute one of the rebels; that he met the pannel in the high-way at the Moderwall, in the way from Hamilton to Edinburgh; that he never saw the pannel since, but he thinks he is the man he saw there; that he knew none in company with the pannel, except one Russel, whom he saw frequently in company with the rebels. 1681.

James Hamilton in Hamilton, called Nepos, depones, he saw Mr Spreul in June 1679, going alone through Hamilton to an apothecary's shop, with a walking sword about him; that he never heard him repute among the rebels at that time.

James Millar in Millheugh depones, in June 1679, he saw one designed Mr Spreul riding with arms on a gray horse, up to the

1681. rebels in Hamilton muir; that the pannel is like the man designed Mr Spreul, but dare not depone he is he; that he never heard that after that Mr Spreul was among the rebels.

John Spreul, writer in Glasgow, depones, that he, being in company with the rebels, met the pannel and another in his company upon the road, half a mile from the Haggs some days before Bothwell; that he did not see the pannel in company with the rebels in Hamilton muir, nor any where else.

John Aird, merchant in Glasgow, depones, that he and the pannel, with another woman, were in company in the deponent's house at Glasgow with Mr John Welsh. A vast number of other witnesses are sworn, but they have nothing in their depositions worth while.

When the probation by witnesses was ended, the advocate, for further probation, adduced the abovementioned alleged confession in presence of council. Sir George Lockhart alleged for the pannel, that the pretended confession before the council could not be repeated as a mean of probation in this process, because that it is not signed by the pannel, but, when it was offered to him, was disowned and disclaimed by him, and what he would not sign; that it is most unreasonable that a confession, not acquiesced unto by the pannel, and drawn up *ex post facto*, and after a long interval of time, should be made to militate against him, by any witnesses whatsomever, and the reason is because a confession, importing what concerns a man's life or fortune may be mistaken by witnesses as to the tenor, and phrases, and manner of expression, all which may make a vast difference as to the meaning and import of such a confession; and nothing can be of worse consequence in criminals than to lay down this foundation, that what is deponed by witnesses may be taken for a man's own confession, especially *ex post facto*, and after a long interval of time; yea, though the said confession were signed by the pannel, yet being extrajudicial, and not *coram competente judice* as to the process and crime, it cannot be sustained; since such extrajudicial confessions, even in writing, and incontinently taken, are in law revocable, *et fidem non faciunt in processu criminali*, as appears from Matthæus de Crim. p. 370, Clarus, quest. 54, and the most that such confessions can operate is only *indicium ad torturam*, which the pannel has endured, and was subjected to it, because he refused to own the said pretended confession. Further, according to the practice of all nations, it is statuted, act 90th, parl. 11. James VI. that all writs and documents used in probation, shall be taken in face of the inquest, and consequently before the judges competent, whereas this confession was *extra locum juris*, and the privy council are not proper judges in this process. All which defences the pannel propounds, as *separatim* relevant. His majesty's advocate replies, that the pannel's not signing the confession, says nothing, because it was read to him, and it shall be proven, that he could not disown the confession; and the pannel's contumacy cannot be of use to him, and ought not, unless one crime be made to defend another; and the constant custom has, upon good reason, made unsigned confessions valid; and Skene, Stuart, and others died upon such confessions: that the confession was written and read *ex incontinenti* to the pannel; and it is offered to be proven, that he, being advertised of his danger, and the articles read one by one, acquiesced in them all, except that he would not say he was in the rebellion; and *exceptio firmat regulam*. He adds, that following the merciful example of the king his master, and being unwilling to stretch any debatable point, he hath only adduced this confession against the pannel as an adminicle, and a presumption joined with other pregnant grounds, and insists, that it is a very strong argument; for who can know a man's accession so well as himself? Writs may be forged, witnesses may be false, but a man will never confess falsely to his own hurt: and therefore a confession *coram judice incompetente* is valid, unless the confessor can show what made him err. Mascard. Conclus. 352, No. 2. Clarus, quest. 55, No. 40. It is proven that he was upon the spot, and conversed with the rebels; and all that is wanting, is, whether it was *animo delinquendi*. And certainly his own

confession must be owned the most solid evidence of this. To which it may be added, that the pannel is universally known to be of these principles which led men to Bothwell-bridge, and to be the great ring-leader there, and that he will not yet call it a rebellion: and how can it once be thought, that he who wished so well to that party, trafficked so much for them, was so often with them, and will not yet disown it, to the hazard of his life, being proven to have been there in arms, and confessed it, who will think, that in *materia verisimili*, that the confession should not operate against him, and adminiculate, as said is? Sir George Lockhart duplies, that the pannel's procurators are not straitened by the instances of Skene and other traitors, which do not concern the point in hand; yea, they retort these instances, in so far as they were sisted before the justices, and did repeat their confessions before them and the inquest, and ran to the highest transports of fury and treason, disowning the king and his judges, and were in *crimine flagrante*, and owning and committing treason in face of the court. He further asserts, there cannot be one instance given, wherever a confession, importing forfeiture of life and estate, not signed by the person or judge, when he cannot write, but offered to be proven by depositions of witnesses, was ever heard of before, or sustained: and contends, this is reprobate by the general principles of law, and the statutes of the kingdom *in judicio civili*, and pecuniary matters, in which *nuda emissio verborum* will not be admitted to be proven by deposition of witnesses, in a sum of an hundred pounds Scots, and can it be admitted in a matter of life and fortune? He adds, that it is notour, that a pretended judicial confession before the lords of session, in the case of Osburn and Buchanan, though produced under the clerk's hand, was not sustained to be binding in a matter of debt, because not subscribed by the party; and it would be a strange stretch indeed, if the subscription of a clerk, or deposition of witnesses, should be admitted in a matter of this importance, when cast as to the meanest pecuniary matters: in short, what is advanced, that extrajudicial confessions *coram judice incompetente*, may be adduced *in modum adminiculi*, *nisi doceatur de errore*, comes not at all up to this case, because that is only true, where *constat et apparet de veritate actus*, by production of the confession itself; in which case it is acknowledged, that both in judicial and extrajudicial confessions, if the party be able *docere de errore*, he may retract, and be heard against the confession; but here the point debated is, that the confession *de natura sua requirit scripturam*, which is not in this case, and is not probable by witnesses: and as to the concurrence and qualifications of the other adminicles insisted on by his majesty's advocate, they are neither proper to be debated nor answered *hoc loco*, and may be represented to the inquest, where they shall be sufficiently taken off. Mr David Thoirs adds, the decision of the court in the case of Roberton soldier, who having confessed a murder before the three commissioners of the justiciary, the advocate, and clerk, and the confessions signed by the said lords advocate and clerk, the court refused to sustain the confession either as *plena*, or *semiplena probatio*, in respect it was not taken by four of the justices, who are only a quorum *pro tribunali sedentes*. The lords having considered this part of the debate, "refuse to sustain the confession to be proven by witnesses, as a mean of probation either plenary or adminiculate." 1681.

Then the advocate moved the pannel might be interrogate, if he thinks the being at Bothwell-bridge, rebellion. The pannel answers, that he conceives he is not obliged to answer, because it is not the crime libelled, and he may be as well interrogate upon any point of treason. The lords having interrogate the pannel, if he acknowledged the rising at Bothwell to be a rebellion; he answered, that was no part of the libel, and his after-life should witness him to be both a good subject and good Christian. The advocate closed his probation, and protests for an assize of error, in case the inquest assoilie the pannel. The lords ordain the assize to inclose, and return their verdict to-morrow; which they did, and when opened, was as follows. "The assize having considered the depositions of

1681. the haill witnesses led against John Spreul, *una voce* find nothing proven of the crimes, contained in the libel, which may make him guilty.

"NEIL STEVENSON, Chanc."

Whereupon the pannel and his procurators take instruments, and crave he may be liberate: but his majesty's advocate produced an act of council, Edinburgh, June 14th, 1681. "The council give order and warrant to the justices, notwithstanding of any verdict or sentence, upon the criminal dittay lately pursued against John Spreul, to detain him in prison until he be examined upon several other points they have to lay to his charge.

"PAT. MENZIES."

And so Mr Spreul was sent back again to prison. I have given the fuller account of this process, and as distinct a detail of the reasonings as I could form, because I was of opinion, the debates which fell in in this case, are in many branches of them, upon heads common to several other sufferers in this period; and the pleading of such noted lawyers on both hands, will afford no small light to the cases of torture, of extrajudicial confession, the refusal to sign confessions, and other points not uncommon in this period. Besides, the weight of the case of torture itself, which deserves a room here, the method of treating pannels, and the pains used to make every thing turn to their disadvantage, with the vigour now used in the prosecutions, will appear; and if such efforts were made in this process, when so many able lawyers were procurators for the pannel, we may easily guess what sad work was in the more ordinary processes, with poor ignorant country people. Upon the 14th of July, I find Mr Spreul and William Lin writer in Edinburgh, brought before the privy council, for being present at field conventicles; and they are found guilty of hearing presbyterian ministers preach, when some of the hearers were without doors, as likewise of reset and converse with intercommuned persons. The matter was referred to their oaths, which they refusing, are found guilty. Mr Spreul was out of the kingdom at the times libelled as to conventicles; and each of them is fine in five hundred pounds sterling, and sent to the Bass. Mr Spreul lay six years in the Bass, and we shall again meet with him there after this; and, from his long continuance in that place, he has yet the compellation of Bass John Spreul, whereof he needs not be ashamed. I find, joined with Mr Spreul in the same process, upon the 10th of June, Robert Fergusson of Letterpin; he is indicted as guilty of treason and rebellion, by his being at Bothwell-bridge. His own signed confession is adduced as probation, and the lords delay passing sentence against him till November. I find no more about him in the registers; and by some composition or other, I suppose the matter was dropt.

Thus I have gone through what I meet with this year before the criminal court, relative to the subject matter of this history. I come now to the trouble particular persons are brought to by the council, and otherwise.

SECT. III.

Of the sufferings of particular gentlemen, ministers, and others this year, not unto forfeiture or death.

THE persecution of presbyterians being now advancing to a great height, I shall bring in a detail of the sufferings of severals taken or processed this year, who, in the former years, had no small share of trouble, with some other hints concerning particular persons in the council books.

In the beginning of this year, I find some presbyterian ministers in Ireland, who had been forced to flee thither from Scotland, by the persecution, fall under no small trouble. Popery was making great advances, especially in Ireland, and the meeting of ministers in Lagan, drew up causes of a fast, and with their people kept it, February 16th, 1681, a copy of which is before me. For this, Mr William Trail, Mr James Alexander, Mr Robert Campbell, and Mr John Hart, were called before the justices of peace at St Johnston in April, where they acknowledged their accession

to the said causes, and in June they received summons to appear before the lord lieutenant and council at Dublin. A copy of Mr William Trail's examination is in mine eye, first before the lieutenant and council, June 20th, and then before a committee of council, June 22d, in both which he acknowledges their appointing that fast, gives his opinion very frankly upon the oath of supremacy, declares himself willing to sign the Confession of Faith of the church of Ireland, and fully vindicates himself and his brethren, in point of loyalty. The questions and answers are so large, that I do not insert them, since they fall not so directly before me in this history. The four ministers were referred to the assizes at Lisford, where they were fined in twenty pounds sterling each, for appointing a fast, and ordered to give bonds to pay it, and for their good behaviour in time coming, or go to prison. The ministers not knowing the import of the bond required from them, chose to go to prison, where they were moderately dealt with, and had liberty to preach every Lord's day. They continued under confinement from August this year, till July 1682, when their fines, by an order from the exchequer, were reduced to 20 shillings, and they were liberate.

In March this year, James Gray of Chryston, in the parish of Calder, for his alleged accession to Bothwell, was brought to the knowledge of an assize, and assoilied; yet his trouble ceased not after his delivery, and it grew worse next year. I shall here, as I have done in some other instances, give a detail of the former sufferings of this judicious heritor, and singular Christian. In the year 1677 and 1678, his house was many times rifled and searched, upon pretext (for they had no probation) of his concurrence with, and encouragement of the preaching of the gospel by presbyterian ministers. The militia quartered upon his house for several weeks together, for not subscribing the bond called the Highland Bond, to his great loss, and he himself was forced to retire and wander. In summer 1679, about twenty dragoons, for several weeks, lay at his house, and he with his family were obliged to remove, and shift for themselves; all he had in his house and barns was utterly spoiled and eaten up, and his tenants abused; and when the soldiers went off, they carried with them all his cattle and sheep, and broke and burned what of his household furniture they could not carry with them. All this, with the insolencies and daily quarterings of soldiers upon his house, in the months of March and April 1679, run up to a prodigious loss; and yet, all this time, there was neither citation, probation, or sentence against him; and when he was forced to remove from his own house, such was the kindness of those guests that many times his wife and children were forced to leave the house, and stay in the fields all night. At the circuit holden at Glasgow, October 1679, without any order of law, and contrary to the law, he was declared outlaw and fugitive; and in February 1680, put to the horn, and denounced rebel; so that he could no more keep his own house, and his family enjoyed little quiet in it; and he and his eldest son, who was killed at Ayrsmoss, were reduced to the greatest straits and difficulties in their hidings and wanderings. And though, in March this year, Mr Gray was assoilied by an assize, and relaxed from the horn, which cost him a great deal of money, and restored to the peace; yet he could scarce enjoy any benefit thereby. His known aversion to the prelates and their underlings, because of their profaneness, and persecuting spirit, discovered in his continued refusing subjection to them, or conformity with them, made him still the object of their malice, fury, and violence. And though he was, by their own law, freed from all that could be laid to his charge, as to pretended rebellion and disloyalty, yet this same year in October, his house was again pillaged, at the instigation of the clergy, who were indeed the authors and procurers of all his hardships. As an heritor, he had his full share of dragoons sent to his house to be quartered; and, over and above these, captain Strachan sent his own servants and horses to be maintained at Chryston, well knowing nothing, how iniquous soever, would be blamed, which was done to a person disliked by the orthodox clergy. Their inci- 1681.

vility and rudeness was so great, that
1681. his family was again obliged to quit the house, save his wife, who stayed in one of the rooms, with a young girl who waited on her. Meanwhile, the soldiers took the keys of the house and barns, and entertained themselves and horses as they pleased, thrashing and carrying away the crop, as they saw good: yea, they would not allow meat to Mr Gray's horses, with which he was to have plowed his ground, but turned them out to the open fields in the winter-time; and it was with difficulty his wife could obtain so much straw as to feed one cow, upon whose milk she lived. At this rate they continued at Chryston about three months. In the beginning of the next year, he was seized, with which I shall end my account of the severities this excellent person underwent.

Another instance, is of James Pettigrew in the parish of Cambusnethan; he was alleged to have been at Bothwell, but no probation adduced. The year after he was quartered upon by one Fergusson a donator, who continued with his party of soldiers living at discretion till the said James paid him the sum of three hundred merks, beside all the loss he sustained by quartering. In May 1681, he was seized by captain Inglis, and carried into Edinburgh, where he continued prisoner three months, and before he could be liberate, paid five hundred merks to Gavin Muirhead of Lauchop, and afterwards he was again oppressed by the laird of Meldrum in the year 1683, and was forced to pay near two hundred merks for horses taken from him, besides frequent quarterings of soldiers.

Alexander Smith, in the same parish, was about the same time carried in prisoner to Edinburgh, for alleged being at Bothwell. He got out of prison in women's clothes, and was afterwards taken, and rescued, as we may hear, at Inchbelly-bridge. And in the year 1685, he was again seized and sent to Dunnoter, whence he made his escape; and was again taken in the year 1687, and continued prisoner till the revolution.

About the same time, Robert Russel, in the same parish, against whom nothing could be objected, met with a party of soldiers on the high-road, and refusing to answer their interrogatories, and declining to pray for the king, alleging it was owning of him in persecuting the people of God, they threatened him with present death; but this being not yet so common as afterwards, they only carried him prisoner to Edinburgh, where he lay near two years in irons. These are but a few hints of many instances which might be given in the west country at this time.

April 6th, the council, upon a petition from Mr Archibald Riddel, allow him to go and see his dying mother, upon caution to return to his confinement against the 25th of April. And June 9th, I find him cited before the council, and charged with breaking his confinement to the parish of Kippen, keeping conventicles, and baptizing children, upon which he is sent to the Bass, and, as we heard, continued there three years.

The same day the reverend Mr John Blackadder is taken, when living peaceably in his house at Edinburgh, and sent to the Bass. In this place I shall give the reader a view of this useful minister, his sufferings, from original papers, and other accounts communicated to me by his sons, Mr Adam Blackadder, and the honourable colonel Blackadder, governor of Stirling castle, as briefly as I can, with some hints of the hardships his family underwent. Mr John Blackadder was minister of the gospel at Troqueer, near Dumfries, before the restoration, and singularly useful in the work of the ministry. When the rest of his brethren were turned out, a party of the guards came from Dumfries to seize him, but he was out of the way, and his wife and children, to whom the soldiers were very rude, were forced to retire to Barndennock in the parish of Glencairn, a house belonging to Craigdarroch. There Mr Blackadder and his numerous family met with further trouble. In the year 1665, a party of Sir James Turner's men came in quest of Mr Blackadder, but he and his wife were happily at Edinburgh, and attacked the house in the middle of the night with the utmost fury, and most terrible oaths and execrations. The children were turned most barbarously out of

their beds, and one of them was forced in his shirt to hold the candle till they searched the house, and went through Mr Blackadder's books and papers, where they took what they listed, none being in the house but a servant, a nurse, and the children. They stugged all the beds with their swords, and threatened to roast the children in the fire, and forced one of them to run from the house with nothing on him but his shirt, about half a mile in dark night. After this, Mr Blackadder was forced to leave that house, and to scatter his small family; his children were sent to different houses where people could be prevailed with to run the hazard of entertaining them. But kind providence looked after them, and brought them through many difficulties. When they came up to some years, severals of them met with harsh enough treatment for their worthy father's sake. His son Mr Adam, when but sixteen or seventeen years, was imprisoned five weeks at Stirling, only because his master was alleged to have been at conventicles, where the magistrates would not liberate him till his brother Dr Blackadder brought repeated orders from the council. He was afterwards imprisoned in Blackness, for waiting on his father; and in the year 1684, he and a young gentlewoman he married in Sweden, were brought to great difficulties when they returned to Scotland. But I shall confine myself to the father's sufferings. Mr Blackadder was among the ministers who preached first in the fields, and frequently joined Messrs Welsh, Semple, Arnot, and others. In his opinion he was against the indulgence, but preached and joined with his brethren of different sentiments, as he had occasion. He preached at that noted conventicle at the hill of Beith, before noticed; and there, and at other sermons he preached in Fife, a seed was sown which God very much blessed. I have before me several well vouched instances of his remarkable success in his sermons. He continued preaching in the fields and houses, as he had access, till the year 1678, when he went over to Rotterdam, and proved very useful in healing of the breaches betwixt these two excellent ministers at Rotterdam, Mr M'Waird and Mr Fleming. In the time of Bothwell 1681. he was at Edinburgh, and after it very serviceable to the prisoners in the Greyfriars. So useful a person could not escape the fury of this period, and so Major Johnston having got notice of him, apprehended him April 6th this year, and carried him first to general Dalziel, and then to the guard, whence he is brought up prisoner to a committee of the council, consisting of the chancellor, general, advocate, and bishop Paterson. His examination is before me, of which I shall give an abstract. After Mr Blackadder had owned he was a presbyterian minister, ordained to Troqueer 1653, the chancellor asked him if he had excommunicated the king, or was at Torwood? *Ans.* I was not at Torwood these four years. *Chan.* But do you approve of what was done there? Mr Blackadder was as free to have declared his disapprobation of what was done there, as to declare that he had not been there; but perceiving that they were about to impose upon him by ensnaring questions, he resolved to make a stand at first; and answered, I am not free to declare my inward sentiments and opinions of things and persons, and therefore I humbly beg to be excused; you must form a libel against me, and I shall endeavour to answer it as I can. They frequently urged him to answer, and he declining, the chancellor said, But do you approve of shedding the king's blood, and damning him in soul and body? *Ans.* I do not, and no good man will. *Chan.* You have done yourself a favour in saying so. But we hear you keep conventicles since the indemnity. *Ans.* My lord, I am a minister of the gospel, though unworthy, and under the strictest obligations to exercise my ministry, as I will be answerable at the great day. I did still, and do count it my duty to exercise my ministry as I am called thereunto. *Chan.* But you have preached in the fields, that is to say, on muirs and hill-sides. I shall not ask if you have preached in houses, though there is not liberty even for that. *Ans.* I place no case of conscience, nor make any difference betwixt preaching in houses and the fields, but as it may best serve the conveniency of

1681. the hearers, nor know I any restriction as to either in the word; my commission reaches to houses and fields, within and without doors. *Chan.* No doubt you know and have seen the laws discharging such preaching. *Ans.* My lord, I have, and am sorry that ever any laws were made against preaching the gospel. *Chan.* Not against the gospel, but sedition and rebellion. *Ans.* I preach no sedition and rebellion. The advocate came to the prisoner and told him, he was sorry to see him upon the reserve, and difficulted about the excommunication. Mr Blackadder answered, he was no way straitened in that, but had kept on the reserve, because he thought himself only obliged to speak upon facts relative to himself, and that it was hard to be obliged to declare his opinion as to others. The chancellor asked if he had kept conventicles in Fife, which he did not deny. And after he had owned himself of the family of Tulliallan, and the nearest representative alive of that family, they removed him, and he was carried to the guard. In the afternoon the council sat, and he was brought up, and continued among the soldiers in the outer room, from three to six, but was not called before the council, who, without hearing, sentenced him to go to the Bass. Thither he was carried April 7th. When in the way at the Fisher-row, there was a gathering of people upon some occasion or other, which, when the captain perceived, he apprehended it might be for rescuing Mr Blackadder, and came to him, and said, if those people have a design to rescue you, you are a dead man, for upon the first attack I will shoot you through the head. Mr Blackadder told him, he knew nothing about it, and there was no such design. He continued in the Bass till he contracted a deep rheumatism, the air of that place being much the same as that aboard a ship; and a petition was given in to the council, June 20th, 1685, with the attestation of physicians, that he was in hazard of death, and could not recover till brought to land. He was liberate from the Bass, and confined to Haddington, under bond of nine thousand merks, to re-enter prison when he recovered his health. But it pleased the Lord to remove him very soon to the glorious reward of so much suffering and service, as he had enabled him for; and he died at Haddington in much serenity, being aged about sixty-five years, and lies buried at North Berwick.*

May 4th, the committee for public affairs report, "that upon information that Mr Alexander Symers, who haunts in the isle of Combray, being formerly an orthodox

---

* In Mr Wodrow's own additions and corrections, there is the following notice, "In my account of the place where the reverend Mr Blackadder died, there is a mistake which I was led into by a narrative I had after the first volume was printed off, and that occasioned the last line of the errata to that volume, (which I now desire may be deleted) and by the peremptory acts of council for Mr Blackadder's liberation, which stand in this volume, (viz. vol. II. original edition,) p. 480, from both those, I concluded this good man had been liberate from the Bass, and that he died in a little at Haddington. But I find now, by certain information from his surviving sons, that he actually died in the Bass, as I had said volume I. (original edition,) p. 393, and these acts for this excellent person's liberation never took effect. The place of his death is of very little importance, but I am still ready to amend the smallest mistake when informed of it." His death does not seem to have taken place till the beginning of 1686, as stated in the Scots Worthies. On his tombstone his age is marked as 63; but this is clearly incorrect. Mr Crichton, in his excellent life of this distinguished man, is of opinion that he must have been in or about the 70th year of his age. Life, p. 277. "His decease," says Mr Crichton, "was felt as a general calamity by the church, and noticed in some of the foreign journals." As the epitaph on his tombstone in the church-yard of North Berwick has not found its way into any of the ordinary martyrologies, and as it deserves all the praise which Mr Crichton has given it, we shall insert it in this note. It was repaired and re-lettered in July, 1821.

EPITAPH.

Blest John, for Jesus' take, in Patmos bound,
His prison Bethel, Patmos Pisgah found;
So the blest'd John, on yonder rock confined,—
His body suffered but no chains could bind
His heaven-aspiring soul; while day by day,
As from Mount Pisgah's top, he did survey
The promised land, and viewed the crown by faith
Laid up for those who faithful are till death.
Grace formed him in the Christian Hero's mould—
Meek in his own concerns,—in's Master's bold;
Passions to Reason chain'd, Prudence did lead—
Zeal warm'd his breast, and Reason cool'd his head.
Five years on the lone rock, yet sweet abode,
He Enoch-like enjoy'd and walk'd with God;
Till, by long living on this heavenly food,
His soul by love grew up too great, too good
To be confined to jail, or flesh and blood.
Death broke his fetters off, then swift he fled
From sin and sorrow, and, by angels led,
Enter'd the mansions of eternal joy;—
Blest soul, thy warfare's done, praise, love, enjoy.
His dust here rests till Jesus come again,—
Even so, blest Jesus, come—come, Lord—Amen.

preacher, but now turned vagrant, and apostatised, and debauches the country, they had given orders to the laird of Kelburn to call him before him, and proceed against him according to law, and if he persist, that he send him into Edinburgh prisoner, or take bond of him to appear before the council." I have observed no further about him in the registers.

Upon the 2d of June Mr John Wardlaw having been cited before the council that diet to answer for preaching, and keeping conventicles, and not compearing, he is put to the horn. Upon the 16th of the same month Mr Alexander Hastie being cited to appear that day, and not compearing, the council find, that after he had been imprisoned last year upon suspicion of his being concerned in the rebellion at Bothwell, he was liberate March last, and yet since that time he hath kept conventicles, in sense of law, field conventicles: he is now denounced, and ordered to be put to the horn. The same day John Row, chamberlain in Carrington, being cited for keeping of conventicles, and not compearing, he is denounced and put to the horn.

July 26th the council being informed, that Mr Gabriel Sempill is taken prisoner in the house of Blackcastle, they order him to be brought into Edinburgh, and require the justices to call him before them, and see what he has to say, why the sentence of forfeiture should not be executed against him; and ordain Blackcastle to be prosecuted for resetting him. October 1st, the council grant warrant to liberate Mr Sempill upon bond to compear when called, under the pain of ten thousand merks. December 22d, Mr James Scott, sheriff-clerk of Edinburgh, his cautioner is called to present Mr Sempill, and he not compearing, the council declare he hath forfeited his bond, and order letters to be directed against Mr Scott for that effect, at six days' charge. November 3d, Sir Patrick Hepburn of Blackcastle appears before the council, who find him guilty of a high crime in resetting, conversing with, and harbouring a declared rebel Mr Sempill, being taken in his house near Old Hamstocks by a party of the guards. Sir Patrick confesseth his libel, and the council fine him in two hundred pounds sterling, and order him to prison till he find caution to pay the fine in six days. This is what I meet with as to Mr Sempill in the registers. This reverend and worthy person, who endured so much trouble, and was so useful under this period I am describing, as well as since the revolution, deserves a larger room here; and I shall give the reader some account of him from papers under his own hand, communicated to me by his son-in-law, the reverend Mr G. Gillespie, minister at Strathmiglo. Mr Gabriel Sempill was a son of Sir Bryce Sempill of Cathcart, and ordained minister of Kirkpatrick-durham; and after the revolution he was transported to Jedburgh, where he continued very useful in the work of the ministry there, till the year 1706, when he got to the joy of his Lord. The papers before me contain a great many remarkable passages concerning this good man in his youth, and when at the schools, which I pass, and come to his sufferings since the restoration. When minister at Kirkpatrick-durham, he was reached by the act at Glasgow. Some days before his removal, he acquainted his people that they had called him to be their minister, and now authority required him to leave them; but if they would invite him to continue, and run hazard with him, he would do it. None of them importuned him to stay, and so he left the manse, and went to the house of Corsack, where Mr John Welsh likewise came and stayed some time. This house lay as convenient for Mr Sempill's parishioners as the kirk, if not more. The first Sabbath, Mr Sempill preached to such as came, in the hall of Corsack; next day, the hall not holding them, in the close; the third Sabbath, that not containing them, in the garden; and that not answering, they went to the fields, multitudes coming from all hands. All this time, Mr Welsh preached not. In a little, when the act of council came out, discharging ministers to be in one parish, Mr Sempill left Corsack house to Mr Welsh, and went to his friends in the west; and Mr Welsh kept up these meetings in the fields from necessity; and this was the first field-meeting in Scotland. In a little time, Mr Sempill returned to Gal- 1681.

1681. loway, and joined Mr Welsh, and continued preaching till Pentland. He was at the engagement, as we have seen, and intercommuned, and declared rebel after it. After Pentland, Mr Sempill continued about a year preaching, as opportunity served, in the south; and then went over to Ireland with Mouerieff and Sundiewell, whom he terms two of the most eminent Christians that ever he knew; the first died there. In Ireland he met with great kindness, as all the banished did. In a little time, he came back to Scotland, and went to the border of England, where, for some time, he absconded, and at length ventured to preach at Haselridge, where Henry Hall of Haugh-head was, and there dispensed the supper, having Dr Rule, and another minister at Berwick helping him; they had Mr Justice Ogle with them, and many other serious Christians in that neighbourhood. In some time, their meeting increased much about Ford, and the incumbent there being simple, and many times under melancholy, and the gentlemen belonging to that place friendly, because the resort of people was beneficial to the place, Mr Sempill, for several years had possession of the church of Ford, and dispensed the sacraments to great multitudes in the neighbourhood, and from Scotland. He observes, that the gospel had extraordinary success among the rude borderers. He continued there, till his excellent wife, daughter to Sir Walter Riddel of that ilk, died; when the persecution turned hotter, and he sickly, and a little before Bothwell, returned to Scotland. He remarks in his papers, that he would not join in Bothwell rising, because he saw that Robert Hamilton and his party would either command all, or mutiny. And when he was urged to go, that he might be useful to heal their divisions, he answered, "there were many worthy men there, as Mr Welsh and Mr Hume, and where division turns a plague the Lord only can cure it, and ordinary means will not do, and he feared that was the case then." At this time, he stayed with his nephew Blackcastle at Old Hamstocks. There he continued mostly, till he was taken, as has been observed, by a party of the guards. Mr Sempill was very much indisposed of an ague, when seized, and not able to ride; nevertheless the council, though his case was represented to them, give orders to bring him into Edinburgh. When the orders came, he could not ride alone, but was obliged to ride behind, and hold by his nephew William Sempill, till he came to Haddington, where he got the lady Stevenson's calash; he was carried into the Canongate tolbooth, where he continued till the parliament was up. The duke of York was so well satisfied with the procedure of that parliament, that he was in better humour than he used to be in council; and when Mr Sempill's supplication for liberty, because of his sickness, was presented, it was granted, as we have seen. In a little time, he was called before a committee of council, merely, as he afterwards found, to draw money from him to the advocate and clerks. The pretext made use of, was, that his supplication was forged, and not genuine. At this committee the lord Maitland was very friendly to him, and kept bishop Paterson from proposing some ensnaring questions. His supplication was read to him, and, in reading, the clerk added some words which were not in it, such as, that the rising at Bothwell was a desperate rebellion, and others, with a design to make him disown the supplication, and get him back upon that to prison. When it was read, he was interrogate if he owned that supplication. Mr Sempill desired a sight of it; and, upon viewing it, he observed that it had not been vitiate, and was just what he had given in, though otherwise read by the clerk. He returned it, declaring that paper was the very same he had written, and given in, and thanked them for the favour granted him on it; and prayed for the spirit of grace and government to his majesty. Thus he was dismissed, and the snare laid for him evited, and, very providentially, he was not required to renew his bond of compearance; so that in law he was freed from it. In a few weeks, upon some new pretext or other, he was again cited to appear before the council; and upon knowledge of their designs against him, and advising with his friends who were engaged for his compearance, and finding they would,

in the issue, be safe, he did not compear, but withdrew to England, where he continued till king Charles's death.*

August 6th, Thomas Lawrie, merchant in Edinburgh, is before the council: last Sabbath he had been taken at Leith, at a house conventicle, early in the morning. The council liberate him, upon caution to compear when called, under the penalty of 2000 merks. August 11th, the advocate reports to the council, he had examined John Spreul writer in Glasgow, prisoner in the Canongate, and finds him free of conventicles. The council order him to be liberate. I have no doubt, but this good man paid for this liberation. October 11th, John Drysdale, James Pollock, James Wharrey, and John Anderson, prisoners for alleged field conventicles since the indemnity, are brought before the council. For probation, the advocate refers the matter to the pannels' oath; they refusing to give it, are banished, according (as the council's sentence has it) to act 2. session 2. parl. 1. Char. II.

Little more offers as to particular sufferers, needful to be insert here, save a process before the council, against some of the indulged ministers. The clergy were hasting to be rid of them, and prevailed with the managers to process some of them now and then. And November 3d, Mr John Hutchison, indulged at Dundonald, Mr James Veitch at Mauchlin, Mr Robert Miller at Ochiltree, were libelled, not only for breaking their instructions, but also for their having pronounced the sentence of the highest excommunication upon all who have taken the declaration, or signed the late bond for peace, or, having taken the covenant, have deserted the same, debarring such from the Lord's table; and that they had preached to the people the observance of the said covenant. And they not compearing, are ordered immediately to be denounced, and put to the horn. This is all mere mistake; these worthy ministers knew better things than to pass the highest sentence upon such grounds as these. That, in safe generals, they might debar from the Lord's table, all breakers of covenant, and takers of unlawful declarations and bonds, I do not doubt; and, it may be, upon some occasions, they might have some things in their sermons, that might tend to confirm the obligation of the covenants; but they had preached nothing that came up to the terms of this libel. 1681.

November 24th, this year, I find Mr James Veitch, minister at Mauchlin, appears before the council, and petitions that he may be reponed against the abovementioned sentence. Whereupon the advocate gives in additional libel, which runs thus. "Mr James Veitch, you are libelled, besides the crimes mentioned in the former libel, further, for debarring from the sacrament of the Lord's supper, by public commination from the pulpit, (which is understood to be the lesser excommunication,) all persons who had taken the declaration, or signed the bond of peace, or, having taken the covenant, had turned their backs thereupon. You are further charged that, ordinarily in your baptizing of children, you take the parents obliged to educate their children conform to the national covenant, and solemn league and covenant. You further have not only broken your confinement, but, at your house and other places in the shire of Ayr, you, with other indulged ministers, kept classical meetings, where you did treat and determine concerning church-discipline, the ordaining or licensing young men, and keeping a correspondence among yourselves, anent church matters, contrary to your instructions." The advocate referred all to his oath. Mr Veitch denied all the articles of the libels, as they stand libelled, and no probation being ready, he was assoilied; and Mr Hutchison being absent, the council ordain

* Gabriel Sempill was the second son of Sir Bryce Sempill, a man of great parts and probity, —the sheriff-principal of Renfrew, and bailie of the regality of Paisley,—a great loyalist, and suffered many hardships on account of his attachment to the royal cause, having been fined by parliament 1646, in the large sum of *L.*1000 sterling. He was the great-great-grandson of John, the first lord Sempill, who received the title from James IV. in 1488, and fell at Flodden along with his royal master, A. D. 1513. Gabriel married a daughter of Sir Patrick Murray of Blackcastle, and his son was afterwards minister of Libberton. One of Mr Wodrow's letters to him will be found in the first volume of this edition, page xxix.—See Douglas' Baronage, Art. Sempill.—*Ed.*

1681. letters of caption against him, and discharge the payment of his stipend. Yea, Mr Hutchison got not so well off, some months after, when he compeared. For July 4th next year, I find him before the council, and an additional libel offered, just as in Mr Veitch's case; and he is peremptorily required to purge himself by oath; and refusing to swear, he is holden as confessed, and his indulgence is taken away, and he fined in 5,000 merks. November 24th, "Thomas Crawford, who has been a long time in prison, and no witnesses appearing against him, is liberate upon caution to appear, and to live orderly. And Thomas Archer (probably Mr Thomas, whom we shall afterwards meet with) prisoner, is appointed to continue some time in prison, that probation and witnesses may be brought in against him."

I shall end this section with the trouble Mr James Frazer of Brae met with in the end of this year, before the council; and before I enter upon it, several general remarks as to the severities upon presbyterian ministers, and their circumstances at this time, offer themselves to me, with which I begin.

When the managers were balked by the excellent earl of Argyle's escape, just upon the back of it, they fall foul upon presbyterian ministers who fell into their hands. No doubt they had the project in their head for some time before, but now they got leisure to bring it to some bearing against them; and since the rising of the parliament, and when the duke of York and his creatures had the whole management in their hands without any disturbance, the reader cannot be surprised to find the persecution against the presbyterians, and particularly their ministers, increasing, yea, growing very hot. Presbyterian ministers not indulged since Bothwell, had very much forborne preaching in the fields, partly from the severities and harassings of the country for some time after that engagement, and partly in hopes of getting access to preach in houses, at least more liberty that way, of which they had some intimations and promises made them; and lastly, from the excesses run to by the two ministers who did preach in the fields last year and this, and the extremes people were running upon. But wh once they fell out of the road of preachi in the fields, they could never come into again; times grew still worse and worse their hand, and when they were put fr field meetings, in a little time they were almost wholly forced from house meetings also. And at this time the duke of York for his own ends, which were now n secret to such who did not shut their eyes mightily caressed the bishops, and supported them in all their harsh measures against presbyterians. And everybody must expect that papists will do what they can t make protestants bite and devour one another, and work their work, the destruction of the whole, to their hands. Accordingly, there was now scarce one presbyterian appeared before the council, who had any favour shown them.

This appeared in the case of the reverend Mr James Frazer of Brae. We left him liberate after Bothwell-bridge, and Sir Hugh Campbell of Calder cautioner, t present him when called: I come now t give some account of his second imprisonment, mostly from his own papers before me. Mr Frazer, since his liberation, had been much in the north. This summer and harvest, when he came south, he had preached in houses, wherever he had opportunity, and the last time before he went north, to a very numerous auditory. Some evil-minded persons informed against him for a field conventicle: whereupon he and his cautioner were cited before the council in November; but some of the members of the council being told, and assured, it was only a house conventicle, the citation slept

Meanwhile Mr Frazer had gone north t his wife and friends, and there fell very ill of an ague. His cautioner came to th same country a little after him, and found him very ill: whereupon he proposed t Brae writing to the advocate, or the bisho of Edinburgh. This Mr Frazer violently opposed, and assured Sir Hugh, that if the prelates hear of his sickness, they would pres his citation the harder, with a view, that upon noncompearance his bond of five thousand merks should be forfeited, or if he did compear, his health might be in hazard at the

season of the year. This had no weight with the gentleman, but he relying upon his friendship, and the reasonableness of the thing, acquainted the bishop of Edinburgh, that Mr Frazer had not preached in the fields, as was said, and that he was now dangerously ill. According to Brae's suspicion, so matters happened: as soon as bishop Paterson had got Sir Hugh's letter, his brother being clerk to the council, next day his citation was renewed. Mr Frazer observes in his life, that the managers had a prejudice at his cautioner, whose name, says he, was odious to several great men, being a gentleman of a good estate, and engaged in cautionry for presbyterian ministers, for upwards of seventeen hundred pounds sterling; and in their citation they chose that time they reasonably thought would be severest for a man who had the ague to travel in; and ordered him to appear the 22d of December, when they did not expect his compearance, and hoped to reach his cautioner, and make him forfeit his bond. Both Mr Frazer and his friends wanted not fears, that the council intended his life. He was not indeed guilty of preaching in the fields, which was death by law; but by law likewise, though the minister and body of the people were within a house, yet if any were without doors, it was a field conventicle. Now it was not what presbyterian ministers had freedom to do, neither was it many times in their power, either to know or hinder people from hearing them at doors and windows. Besides, they were sensible how far the earl of Argyle's case was stretched at this very time, far more surely than if Mr Frazer had been found guilty of a field meeting, for one or two there being without doors when he was preaching in a house, he might have been staged for his life; and he was informed some notes of his sermons were in the prelates' hands, and he did not know how far they might wire-draw some expressions, though never so well meant. All this was discouraging enough; but he resolved at all hazards to appear, and not to suffer his surety to come to trouble upon his account, and was much encouraged by a sudden recovery of his health, after six weeks of a sore ague; so that he was, to his great surprise, in case to venture upon a journey, for 1681
any thing I know, upwards of an hundred and fifty miles, at such a season of the year: and he came to Edinburgh the day of his compearance, two days after the earl of Argyle's escape, and with his cautioner presented himself when the council were in a very ill humour.

The bishops and council were not a little surprised to see him at the bar. All I find about him in the registers is, "December 22d, Mr Frazer of Brae is this day produced by the laird of Calder, and he being an heritor, fine him in five thousand merks for conventicles, and send him to Blackness till he pay the same, and engage he shall not keep conventicles." But I come to give a larger account of what passed, from his own papers. He observes, that after some silence, the clerk was ordered to read an indictment against him, wherein he was charged "with preaching in the fields, and without authority, and, venting pernicious, seditious, and rebellious doctrines and principles, intending to alienate the minds of his majesty's subjects from his government, and concluding, that upon all these accounts he ought to be severely punished, to the terror of others." For probation the advocate referred all to his oath, and immediately the president commanded him to depone, whether he had preached in the fields or houses, since he came out of the Bass. Mr Frazer modestly desired a few days' respite to answer to his indictment, in regard of the long and tedious journey he had been obliged to at such a season of the year, and after a sore sickness, in obedience to their lordships' summons, and that he was but just now come to town, and had never seen the indictment till it was now read to him. One would have thought this was a very reasonable desire, and yet it was peremptorily refused, and he was presently ordered to give his oath, otherwise they knew what to do. He answered he was ready enough to give his oath, that he was innocent in all the points of the indictment just now read to him; but humbly craved to speak a little before their lordships, which they were pleased to allow him, and he had a very handsome extemporary dis-

1681. course, for upwards of half an hour, without any interruption. He observes in his papers, that his design in it was, if it might be, to prevent the torment of their questions, which as hath been noticed in his former process, they vexed him with, and to state the true grounds of his sufferings, and to essay to vindicate himself and others, from the imputations charged upon them. The reader, I persuade myself, will be satisfied to have the sum of his discourse, as far as he himself could recollect it.

After he had returned his hearty thanks for the liberty they had given him to speak in his own defence, he protested, "that it was his endeavour to discharge what he conceived to be his duty, with as little offence to authority as he could, and that, were the things he was called in question for, such as he could come and go upon, relating either to his person, or interest in the world, he would be very loath to be heard with their lordships, but refer himself and those matters wholly to their disposal, and that now he would be short, ingenuous, and clear in his answer for himself. As to the first head, of preaching without authority, and in the fields; he acknowledged he had preached, and was neither ashamed nor terrified to own this; but asserted, he had not preached in the fields since he came out of the Bass; neither had he preached without authority, seeing he was called of God, and by such of his servants as he really believed had power from Christ for that effect: therefore, he conceived the first article of his indictment was answered and elided. As to his preaching seditious principles, that he was able, with all good conscience, to deny it, because he and others were slandered and defamed, as persons of disloyal and antimonarchical principles. He said, he would presume to give some account of what principles were maintained by himself and others, and of his own practice. That as to doctrine, dogmatical points, and articles of religion, his faith was contained in and according to the Scriptures of the Old and New Testament, that he was of the reformed protestant religion, and did approve, and was ready to subscribe the confession of faith penned in king James VI's time, and, I supposed, ratified in this current parliament. That as to the king's majesty's power, he acknowledged magistracy an ordinance of God, and owned the king's authority; his subject he professed himself to be, and reckoned himself obliged to submit to him, and highly to reverence and esteem him; and was never resolved to resist, for any thing relative to his person or estate; but how far his majesty's power was extended, or in what subject it was placed, and how conveyed, he thought it not so much his part, as that of lawyers, to determine. As to the king's power in ecclesiastical matters, he acknowledged the persons of ministers, and other ecclesiastical persons subject to him, and that he had a jurisdiction civil, reaching not only to civil things, but likewise spirituals, which he was to judge, that so he might, as the nursing father of the church, either encourage, or punish and restrain in a coercive way, and that not implicitly relying upon the judgment of others, or seeing with their eyes: that his majesty might call synods when and where he pleased, and propose his mind to them, whose duty not only it was, but wisdom, to take the magistrate's concurrence, where it might be had: but still it remained undeniable, that this power of the magistrate was not privative of any intrinsical power of the church, granted her by Christ, for preserving or edifying herself; which therefore, in case of the magistrate's opposition to the truth, or want of access to him, through distance of place, or other casual emergencies, she might exercise without him, as was clearly seen in the times of the heathen, and Arian Roman emperors. That as to the government of the church, it was true he did not close in with that form of government by archbishops, &c. now established in this kingdom; and therefore could never concur with, or submit to the same, any manner of way; but whatever was his dissatisfaction therewith, or opposition thereto, he never opposed it but by spiritual weapons. And as for his practice, he had endeavoured to keep a good conscience both before God and man, and to live unblameably and peaceably, giving to God what was God's,

and Cesar what was Cesar's: that he was never in any insurrection, rebellion, or conspiracy against his majesty's person or government, neither ever stirred up others thereunto, but rather to live peaceably, and by repentance, reformation, bearing testimony for God, quietness, confidence, and other spiritual means, to expect deliverance, than by irritating the rulers to make their bonds heavier, or by taking the sword, and resisting by force; and these things he inculcate both publicly in sermons, and privately in discourse. These then (added he) being our principles, which we are not ashamed to own, but ready to defend, it is a wonder to me how I, or any sober person of our way, can be challenged for seditious principles or practices, or charged with them; and if these principles be innocent, then is the second and great branch of my libel, referred to my oath, elided likewise. He ended with his prayers for the king, that the Lord would bless his majesty with all blessings spiritual and temporal, that he may be a terror to evil doers, and an encourager to those that do well, and the throne established in righteousness."

After this discourse, to which very close attention was given, the president asked Brae, "whether he had preached since he came out of the Bass. He answered, that he begged leave to reply to what he was charged with in his indictment, which he humbly conceived was, whether he had preached without authority, and seditiously;" and this he denied. They inquired very pressingly, who ordained him. He answered, "he had no freedom to answer that question, since it concerned others whom he was not to stage; but assured them, his ordainers had lawful and good authority; and he supposed their lordships could not compel him to answer to that, neither was he obliged, since it was *res hactenus judicata*, for which he was formerly questioned; and (as we have heard) had satisfied the law; and therefore could not be questioned for the same fault. And seeing his ordination to preach was before the act of grace, any crime therein (if any was) was now purged; and, in a word, this was not in his indictment."

When Mr Frazer was removed, there was a considerable debate among the counsellors, most of them being very much taken with his discourse, and willing to liberate him: but the bishops insisted, that he was a dangerous person, and behoved to be made an example of. The drawing of the sentence was left to them and the clerk. He being called in, it was intimated to him, to this purpose, "that he be sent to Blackness prison, there to continue till he paid his fine of 5000 merks, and give surety either to preach no more, or go off the kingdom." And till a guard was got ready, he was ordered to remain in Edinburgh tolbooth. Many of the onlookers, for considerable numbers got in that day to the council-house, were surprised at the severity of the sentence; yea, several of the counsellors themselves said openly enough, that he had met with very hard measure. He continued some time in the tolbooth, and was used very discreetly, and had abundance of visits, and much peace in what he had done. On the Lord's day he preached to the prisoners, which was refreshing to him. He twice supplicated the council for liberty, but was refused, the prelates still opposing it; and he remarks, that Sir William Paterson clerk to the council, bishop Paterson's brother, was his great enemy, though he had never done him any injury. After he had been six weeks in Edinburgh prison, he was sent to Blackness castle, under the convoy of a party of the guards, and there continued about seven weeks. The governor at first kept him close prisoner, which was not in the council's order; and a soldier had still the key of his room, though he opened it when he called for him. At the beginning he was put in a very bad room; but the governor's lady, a child of little more than thirteen years, and a gentleman who came in, prevailed to get it altered. About six weeks after, the duke of York went for England, and bishop Paterson and his brother waited upon him. Mr Frazer's friends took this opportunity, without so much as acquainting him, to apply to the council, that the fine might be remitted, and that he might be liberate, and begging a competent time to order his affairs in Scotland, and pro- 1681.

1681. mised in his name, he would submit to their sentence of banishment. His friends bound themselves caution for him, that he should go out of the kingdom in a month, and not return without the king and council's liberty. The council, now that his enemies were absent, went in to the proposal; and the first account he had, was the order sent to the governor to liberate him. This deliverance, without any sinful acknowledgments and compliances upon his part, or by his cautioners, he observes, as no less sweet than it was unexpected by him; and this holy man, in his life, takes notice of the kindness of providence in this, in a very affectionate way. Next year he went off for London, where he was not free from sufferings, as I shall observe afterwards.

SECT. IV.

Of the sufferings unto death, and the public execution of Mr Donald Cargill, and a great many others, this year 1681.

We have in the former sections, some view of the severities, and oppression, and the forfeitures of a number of good people, who did not go to the extremities some of the poor people went unto, whose lives were this year taken. Against them it was alleged, and indeed it was all that could be said, that they committed treason in face of the court before which they were staged; but if we consider their circumstances, the views they had of matters, and the hardships they were brought under, certainly great charity must be exercised towards them; and although, according to the present laws, they were found guilty of treason, yet their bloodshed will, by after generations, be reckoned innocent blood; and the courses taken with, and inhumanities exercised towards them, must certainly be abominated by all sober persons.

Upon the last year I gave some account of their case, and of the condemnation and execution of severals of Mr Cameron and Mr Cargill's followers, for disowning of the king, and hearing them at field conventicles; and upon this section I shall put together the accounts of nearly twenty more, with Mr Cargill himself, who suffered this year, just in the order of time they fell out. And when entering upon this melancholy subject, I cannot but regret the cunning and unprecedented severity of the persecutors, with a great many of these people who came before them. It is certain, the managers had more to say in their own defence as to the treatment of these now under their hand, than in many processes before and after this, when persons were taken in actual resistance, upon the back of a kind of declaration of war against the king; then the prelates and persecutors triumphed in the necessity and justice of cutting them off, and yet it was but a very few who were thus taken, two or three at Ayrs-moss, who were attacked, and obliged to defend themselves; but the greatest part who suffered now were such who were discovered by their bribed informers, and alleged to have been at field meetings; and when brought before them at Edinburgh, a confession was extorted by boots and thumbkins from some of them, and the rest, when brought before the justiciary, council, or committees of it, were ensnared by captious questions, upon subjects common people could not be supposed to understand; and upon their answers they were condemned and executed. True it is, they did disown the king's authority, wherein I have already declined to vindicate them: but the reader, who may be a stranger to those times, should know, that by owning the authority, the poor people understood a virtual approbation of all that was done by the king since his restoration, the rescinding of the excellent laws and constitution we once enjoyed in Scotland, and the severities against, and the persecution of the people of God following thereupon. And this was in the poor country women and men now put to death, a matter of opinion and conscience misinformed indeed by the unwarrantable expressions of some who were soured by the rigidity of the times, and, it may be, likewise by some unguarded expressions they might have heard at some sermons in the fields since Bothwell; but then it is certain, this was such a misinformation and ignorance of facts, as they could scarce ever be brought

from under; and indeed, except in an instance or two, no care was taken to inform them, but they were hurried from the council to the justiciary, from them to the prison, and in a few hours into eternity. Meanwhile the government could be in no manner of hazard from a handful of those people, and if any thing of this nature could breed disturbance, it was the barbarous extremities they ran to with such of them as fell into their hands: but it was easy to have secured the peace against ten times their number, by gentler methods, than butchering so many scores of otherwise serious and religious persons; this, with many other unaccountable measures now taken, did very much lessen the king, sully his reign, and made the administration burdensome and grievous to multitudes of his best subjects. Sometimes indeed the council in their good mood, would offer the country people their life, upon acknowledgments and declarations, which at first view seem very low and reasonable; but if narrowly considered, these were impretable by the people to whom they were made, in their present circumstances, and under the uptaking of matters which they had: and I must observe, that it was only to the warmer and more ignorant sort such offers were made, probably under the prospect they would not be accepted, since the sense the people took the managers' proposal in, did import a receding from bearing witness against the evil of the times; yea, most of them did think the accepting of the managers' proposals included an approbation of what they had been, and were at present doing. In short, the cruelty the sufferers remarked in one process after another, and the whole conduct of this time, and the subdolent fetches and cunning used to carry them off their feet, made them jealous of every thing proposed; and their warm zeal for and love to the truth, the small prospect they had of any end to their daily snares and troubles, together with a generous kind of *tædium vitæ*, in such a wicked age as this, did prevail with them to stand out. And all those someway heightened the wickedness of the managers, in putting them to death, of which I come now to give some account.

The instance of the trial and execution of two poor women, with which this year begins, is a flaming proof of the iniquity of this period. Upon the 17th of January, I find Isabel Alison, a young unmarried woman, who lived in Perth, and Marian Harvey, a servant maid in Borrowstonness, where sometimes Mr Cargill haunted, staged for their lives before the justiciary. This is an evidence of what was just now said. What hazard could the government be under from two such persons, against whom nothing could be adduced but their opinions, which they had taken up from the severities of the clergy at Perth, as the first owned, and the violence of the soldiers? Their private sentiments, I am persuaded, could have a very small influence, and would scarce ever have been noticed, had not the severity of the managers brought them upon the stage, evidently to their own reproach and shame. Their interrogatories and speeches are printed in the Cloud of Witnesses, and I shall give a hint of their trial before the criminal court, from the records, if once I had noticed a few things concerning them and their treatment before the council. Isabel Alison lived very privately in the town of Perth, and was of a sober and religious conversation. She had now and then heard Mr Cargill preach in the fields, and some few others before Bothwell, but not very often, field conventicles not being common in that country. Upon her nonconformity at Perth, and speaking against the severity used upon some religious people there, she was seized, and nothing else could be laid to her charge, till she was brought before some of the magistrates, and in her simplicity voluntarily confessed converse with some who had been declared rebels. When the managers are informed of this, a party of soldiers seize her living peaceably in her chamber at Perth, and carry her into Edinburgh. When she is brought before the council, the interrogatories were invidious and ensnaring, and knowing they had no probation but from what was elicite from her, they essayed sometimes by commendations and promises, and sometimes by threats, to bring her to confess she had conversed with Rathillet, Balfour, and the 1681.

1681. two Hendersons, said to be concerned in the primate's death; and when some very trivial things were owned by her, they jested her, and acted the buffoon rather than privy counsellors, as may be seen in their interrogatories. Marion Harvey was taken up in the road, when going to some sermon or other, and was soon ensnared by the questions put to her. She was scarce twenty years when brought into Edinburgh, and sisted before the council. They had nothing to lay to her charge but what she owned, to wit, her being at field conventicles. When interrogate as to Sanquhar declaration, and the Queensferry paper, she knew nothing about them, but being read to her, to ensnare her, she said she owned them, because she thought them agreeable to the scriptures. Some of the counsellors told her, a rock, a cod, and bobbins, would set her better than these debates, and yet they cast them up to her, and murder her upon them. And by the way it may be noticed, that the bishops were the great proposers of questions to these poor people, which helped to exasperate them, especially when urged to give them their titles, they looking on them as at bottom of all their persecution. After they were examined before the council, they are brought before the criminal court. This was the constant practice at this time, the one day to bring such as fell into their hands before the council, and there engage them by captious questions into a confession of statutory crimes, and next day to pannel them before the justiciary, where, if they were silent, they were asked if they would quit the testimony they had given yesterday. Both of them were indicted for hearing at field conventicles, harbouring Messrs Cargill, Cameron, Douglas, and Welsh, for owning Rutherglen and Sanquhar declarations, Queensferry covenant, and treasonable opinions. For probation, their confession before the council is adduced. Isobel Alison, being interrogate on several heads before the assize, answered she was not obliged to answer, for she did not look upon them as judges, declined their authority, and the king's, by whom they sat there, because they carry the sword against the Lord. In their interrogatories they come and go, and act like persons thirsting after blood, who resolve she shall be guilty. She owned converse with one they alleged was at the primate's murder, she owned the Sanquhar declaration, and bond of combination spoke of last year, and Queensferry covenant, when read to her, because, she said, she saw nothing in them against the Bible, and refused to sign. Marion Harvey, before the justiciary, owns the fourth article of the Queensferry paper, disowns the king's authority, abides by the Sanquhar declaration, says, it was lawful to kill the archbishop of St Andrews, when the Lord raised up instruments for that effect, adding, he was as miserable and perjured a wretch as ever betrayed the church; blesses God she heard sermons in the fields, and approves of Mr Cargill's excommunication. She refuses to sign what she had said, and protests they had nothing to lay to her charge, but her opinion, and owning Christ and his persecuted truths. When the assize was sworn, it was observed that some of them trembled and would not swear, this process against two women being every way extraordinary: however they got as many as served their purpose. The two confessions, as writ by the clerk, were read to the inquest, and, in a discourse to them the advocate aggravated every particular, and endeavoured to prove them guilty of treason. Some of the assize urged there was no fact proven against them, and they had not signed their confessions. The advocate answered, what they had said was treason, and charged them to act according to law, otherwise he knew what to do. The assize find them both guilty of treason by their own confession. The pronouncing their doom is delayed till January 21st, when they are both sentenced to be hanged in the Grassmarket upon the 26th instant. I find the council allow presbyterian ministers to converse with these two women; but this was only a feint to rub off the odium of this affair, the council did not so till, after the sentence was past, they could have no prospect of any great benefit to the women who did not desire this conversation, the ministers were unsavoury to them because sent by the council, and reasoning could

have but very little influence in their circumstances, and upon subjects above their capacity. These two young women were executed upon the 26th according to their sentence. The Cloud of Witnesses narrates a passage, which if it be vouched, gives an odd idea of bishop Paterson, and is not disagreeable to the opinion not a few had of him at the time, as a man of a light and profane temper. Just when they were going out to the place of execution, probably in the laigh council house, whence malefactors used to go to the gibbet, the bishop came in and said to Marion Harvey, "you would never hear a curate, now you shall hear one pray before you die," and ordered one who was attending to pray. The poor women thus jested upon, could not retire, and the one said to the other, come, let us sing the 23d Psalm, which they did, and soon drowned the bishop's curate, employed either in jest, or to vex these poor people. I am informed they were executed with some three or four wicked women guilty of murdering their own children, and other villanies, which was very grievous to these two. One of the episcopal ministers of the town, who waited upon the others on the scaffold, railed bitterly upon these sufferers, and assured them they were in the road to damnation, while he, without any evidence of penitence, was sending the other wicked wretches straight to heaven: however Isobel Alison and Marion Harvey were not commoved, but sang some suitable psalms on the scaffold, and prayed, and died with much composure and joy.

In March I meet with a new process against some more of the people who adhered to Mr Cargill. I need only give a few hints from the records, the course now with all of them being much the same. Upon the 2d of March, John Murray of Borrowstonness, is indicted of treason in common form. The advocate now gives himself no further trouble, than to adduce the confessions made by these persons when examined before the council, in presence of the justiciary and assize where they are examined upon them, and sometimes the confessions are only read to the inquest, who bring them in guilty by their own confession, and so they are sentenced. In John Murray's case, he had confessed he 1681. was at the conventicle at Torwood with arms; and indeed Mr Cargill's followers being daily hunted for, were obliged to carry arms with them wherever they went, for their own defence. When he is interrogate, if he owns the king's authority, he answers, he owns all that is from God, and to be owned, and adds, that while the king observed the covenant, his was from God, but since he has broke that, he knows not what to say. As to the archbishop's murder, he says, if they were sent of God to execute judgment on him, he will not judge them nor their actions. He judicially owns his confession, but refuses to sign it. And having a printed copy of the Queensferry covenant and Sanquhar declaration given him to consider on, after some days he owns them. The same day Christopher Millar, weaver in Gargunnock is indicted as above; his confession before the council is adduced, where he acknowledges he was in arms at Bothwell-bridge, and thinks he may lawfully rise in arms against the king for the covenant; declared he cannot write. Before the removing of the assize, the advocate threatens them (as still he does now) with an assize of error. They bring both in guilty by their own confession; and the court sentences both to be hanged in the Grassmarket upon the 11th instant. Upon the 8th of March, William Gougar in Borrowstonness, and Robert Sangster a Stirling-shire man, are indicted, as above, before the justiciary. The probation is their confession. The first acknowledges he was at Bothwell-bridge, and refuses to take the bond; that he was at Torwood, and owns Mr Cargill's excommunication, and says, he thinks it lawful to kill the king's servants, because they are enemies to Christ; owns the Sanquhar and Queensferry papers; and refuses to sign. Robert Sangster owns Bothwell rising, and Torwood excommunication, as lawful, disowns the king's authority, says, it is lawful to kill him and the judges, in as far as they are against God, and adds, he thinks they are God's enemies. He refuses to sign. The assize bring in both guilty, and they are sentenced to be hanged at the Grassmarket, the 11th instant. John Mur-

1681. ray, June 2d is recommended by the council to the king's clemency, as being rather misled than malicious. The other three were executed. William Gougar had a short paper in his Bible, which he designed to have delivered as his speech to the spectators; whether it be that which is printed, and goes under his name, I know not; for I find it remarked at this time, that Gib and his followers, both put some well-meaning prisoners to heights they would not otherwise have gone to, and corrupted and made additions to papers which went under their name. This paper, it seems, fell into the hands of some of the soldiers at the ladder-foot, and enraged them, and made them treat him very harshly. They tied his hands very strait before he went up the ladder, and when gone up, and beginning to speak, the drums were beat, and he was turned off the ladder, without time so much as to pray; such was their barbarity upon the least provocation.

Another process is intented before the justiciary, July 11th, against three country people in Fife, Adam Philip, Laurence Hay a weaver, and Andrew Pittilloch land-labourer. There was no act of rebellion, nor field conventicles alleged against them. These three had joined in a society for prayer and conference in Fife, when they had not the gospel preached to them by any they could hear. Their society, in June last, had agreed to, and signed a paper, which they called A Testimony against the Evils of the Times: whether they published it, or how it came into the hands of the managers, I have no account, but I find them indicted for publishing an infamous paper, the 11th of June last, called by them the Sixth Month, disowning the king and all the ministers of this church, excepting Mr Donald Cargill. The paper was produced, and they acknowledged they had signed it. They are found guilty, and sentenced to be hanged at the Grassmarket, upon the 13th instant, and their heads to be severed from their body, and affixed to the tolbooth of Cupar. The last two of them are named in the Cloud of Witnesses, and their speech or testimony set down. I know no further about them. The paper, by the citations from it in their process, is very wild, and seems to smell of Gib and his delusions.

I come now to give some account of the trial of Mr Donald Cargill, and four others with him, who were executed the 27th of July, the day before the meeting of parliament this year. It hath been noticed in the former part of this history, that it was not unusual to grace that solemnity with the execution of some of the persecuted party. We have already heard much of Mr Cargill, and I shall not offer here any account of this good man, and successful preacher of the gospel. It is but a hint or two at matters of fact concerning him that I can give, leaving the vindication of several singular and peculiar steps he took, towards the end of his ministry, to such who approve all that he did. There were not a few remarkable steps of providence in his call unto, and settlement in the parish of the Barony of Glasgow, some time before the restoration, which being out of my road here, I pass with a regret, that none have been at pains to collect and publish a well attested account of remarkable providences towards ministers and Christians in the church of Scotland, since our reformation from popery. Many likewise were his wonderful preservations in his wanderings and sufferings, since the turning out of the body of presbyterian ministers, and under the particular spite and malice exercised against him; of which, with those of others in this period, had I good attestations, I would reckon a collection of them would be a very agreeable and useful appendage to this work. Mr Cargill's sufferings are what I am now concerned in. We have already heard, he was, for his freedom in his sermons, after the king's restoration, and refusing to solemnize the anniversary day appointed by parliament, particularly the object of the persecutors' rage, and continued under many and inexpressible difficulties till after Bothwell. The measures he took after that, at Queensferry and Torwood, have been narrated, and it is evident the government was particularly imbittered against him by these steps. No sooner were any notices got of his being in a place, but presently all the soldiers round were in arms, and searched all the country

about for him. Upon the 5th of May this year, he kept a fast in the fields, near Loudon-hill: the soldiers at Glasgow getting notice of this, immediately seized all the horses in town, and about it, and mounted in quest of him; but he got off at this time: yea, such was their haste and fury, that one of them who happened to be behind the rest, and furiously riding down the street called the Stockwell, in the middle of the day, rode over a child, and killed her on the spot. However, Mr Cargill escaped them not much longer. The circumstances or place of his seizing I have not; but I find, May 15th next year, James Irvin of Bonshaw petitions the council, for the reward promised in their proclamation, for his taking Mr Cargill, and is recommended to the treasury: and some time, July this year, Mr Cargill was brought in to Glasgow by a party of soldiers, in great triumph, and put in the guard-house there. Multitudes came in to gaze upon him, and among others, one John Nisbet, a hater of godliness and the truly religious, a besotted drunkard, and mocker at piety, and at present the archbishop's factor: this profligate wretch addressed himself to Mr Cargill in a way of mocking, and said, 'Mr Donald, will you give us one word more?' alluding to an expression Mr Cargill used in his pathetical serious way of preaching. Mr Cargill looked on him a little with regret and sorrow, and then addressed him thus, 'Mock not, lest your bands be made strong; the day is coming when you shall not have one word to say though you would.' This came very shortly to pass; not many days after, the Lord was pleased to lay his hand upon that ill man: at Glasgow where he lived, he fell suddenly ill, and for three days his tongue swelled; and though he seemed very earnest to speak, yet he could not command one word, and died in great torment, and seeming terror. Some yet alive know the truth of this passage.*

From Glasgow, Mr Cargill was carried in to Edinburgh, where, July 15th, I find him examined before the council, and his confession then, in answer to his interrogatories, I set down from the records. 1681.

Edinburgh, July 15th, 1681.

"Mr Donald Cargill, being interrogate if he owns the king's authority, and the king as his lawful prince, answers, as the magistrate's authority is now established by the act of parliament anent supremacy, and explanatory act, denies the same. Being again interrogate, if he owns the king as his lawful prince, yes or no, he refuses to give any other answer than as aforesaid; confesses, that in October 1680, he preached in the fields in Torwood. Being interrogate, if he excommunicated the king there, answered, that being merely a question about an ecclesiastical matter, he cannot answer it before the council, being a civil judicatory; and that he was content privately to give an account of all the reasons of all his excommunications that ever he made or pronounced; being pressed to a direct answer, refuses to make any further answer. Being interrogate, when he saw any of those who killed the archbishop, or if he knew any thing of the intention of it

* "The last time Mr Cargil' preached was in Dunsyre-common, when he expounded Jer. i. and preached from Isa. xxvi. 20, 21. Some time that night (for he durst not leave the place till it was dark) he went, by the persuasion of Mr Smith and Mr Boig, with the lady of St John's kirk, as far as Covington mill, to the house of one Andrew Fisher, a mile from that lady's. James Irvine of Bonshaw, having obtained a general commission, marched with a troop of dragoons from Kilbryde, and next morning by sun rising, came to St John's kirk, and having narrowly searched that house and the house of James Thomson, came next to Covington mill, and there apprehended him, together with Mr Smith and Mr Boig. Bonshaw cried out, 'O blessed Bonshaw, and blessed day that ever I was born, that have found such a prize this morning!' for a reward of 5000 merks was promised to the apprehender of Mr Cargill.

"They marched back to Lanark, and put the prisoners in jail till the soldiers had some refreshment. When they got horses they brought them out in haste, and set them on their bare backs. Bonshaw, with his own hands tied Mr Cargill's feet below the horse's belly very hard. The good man looked down to him and said, 'Why do you tie me so hard? Your wickedness is great. You will not long escape the judgment of God; and, if I be not mistaken, it will seize upon you in this place.' And this was verified; for soon after he got the price of his blood, he was killed in a duel near Lanark. His last words were, 'God damn my soul eternally, for I am gone.'" Crookshanks, vol. ii. p. 107.—*Ed.*

1681. before it was done, declares he knew nothing of the intention before it was done; confesses he knew Balfour, Henderson, and Russel, but thinks he did not see Balfour these two years, but did see the other two within these twelve months, or thereby, to the best of his knowledge. The copy of the sermon alleged to have been by him preached at Torwood, being produced, and he asked if that was the copy thereof, desires a time to consider thereof before he answer. Being interrogate, if he thinks the rising at Bothwell-bridge was a rebellion against the king and his authority, declares he owns defensive arms in case of necessity, and thinks those who rose at Bothwell were not rebels, and thinks they were oppressed, and rose in their own defence. Being interrogate, if he was with those who were in arms at Ayrs-moss, refuses to answer, and desires it may be made out against him. The same answer as to Bothwell-bridge. Being interrogate, if he was at the emitting the paper at Sanquhar, denies he was. Being interrogate, if he had any hand in drawing of that paper, refuses to give answer thereupon, but declares he did not see it till after it was proclaimed. Being interrogate anent that paper, if he owned the principles therein, refuses to answer, and desires a time to consider thereof, not being unwilling, upon time given him, to declare his judgment thereof: gives the same answer as to the paper called Cargill's Covenant, or the Fanatic's Covenant, when read to him. Being interrogate, if, when he preached at Torwood, his lecture was upon Ezek. xxi. 25, 26, 27, confesses it was. Being interrogate where his text to his sermon was, declares he remembers not. Being interrogate, if he thinks the killing of the archbishop of St Andrews was murder, declares he cannot give his sense thereof; but that the Scripture says, 'That the Lord giving a call to a private man to kill, he might do it lawfully;' and instances in Jael and Phinehas. Being interrogate, if he thinks the king, by his falling from the covenant, hath lost his civil right as king, declares he thinks this an ecclesiastical matter, and cannot answer here, but that he is not obliged to obey the king's government, as it is now established by the act of supremacy. Being interrogate, where he was the night before and after he was at Queensferry, declares he does not now remember; but seeing it may concern others, he thinks he is not obliged to answer. Being interrogate when he was in Fife, confesses he was there Friday was a twenty days or month, and preached in Devan-common. Being interrogate, if any of the Hendersons were there, confesses there was one John Henderson, a man about thirty years of age. Being interrogate, when he was in Stirlingshire or Craigmade, declares he was not there these eleven months, and denies he was in Angus these three or four years past.

"D. CARGILL.
"CH. MAITLAND I. P. D."

He was again called before the council, July 19th, and his interrogatories and answers are as follow.

Edinburgh, July 19th.

"In council being interrogate, if he owned his sermon at Torwood, in which the king, &c. were excommunicated; answers, if there was an excommunication he could not answer for it, but before an ecclesiastical court, being an ecclesiastical act. Being asked, if he owns the excommunication of his majesty, under the name of Charles Stuart, and as a tyrant, refuses to answer. Being interrogate, if he owns the principles in the Queensferry paper, declares he has not yet had sufficient time to consider it. Being interrogate, if he owns the principles in the paper called the Sanquhar declaration, he will not answer, but declares he did not see it before it was published. The sixth article of the Queensferry paper being read, he refuses to answer about it. Being interrogate, who was the author of that paper, and who wrote it, refuses to answer."

Upon the 26th of July, the managers resolved to put an end to Mr Cargill's troubles, by a sentence to be executed next day; and accordingly he is pannelled before the justiciary, and he, with Mr Walter Smith, and Mr James Boig, students of theology, and William Thomson in the

shire of Fife, and William Cuthill seaman in Borrowstonness, are indicted in common form, as being at Bothwell-bridge, and denying the king's authority. All of them were to have the same fate, and the procedure against them is much the same. The above confessions before the council are adduced against Mr Cargill by the advocate. When they are read before the justiciary, he declared in the face of the justices, that the word "act explanatory," in his confession, is to be understood thus, "That the act explaining the king's supremacy, gives him a right to the authority of Jesus Christ, and that supremacy given him by act of parliament is against right; and further declares, that those who rose in arms at Bothwell were not rebels, but raised by oppression." After the confessions are read, the lord Halton depones, these are Mr Cargill's true words at examination; and Hugh Stevenson, one of the clerks, declares the paper produced is his writ, and that he wrote it at the council-table, as Mr Cargill did dictate it. I take these attestations to relate to the paper, July 19th, which is not signed. And further, two witnesses depone they saw Mr Cargill in arms with the rebels at Bothwell-bridge. This is the probation against him.

Mr James Boig, son to James Boig, merchant in Edinburgh, comes next, and his confession before the council, July 15th, is adduced against him, which in short contains, "That he was taken in company with Mr Donald Cargill; that he owns the principles of those who are persecuted for the truths of God; that these people who were defeated at Bothwell-bridge, were the people of God, and were fighting for God. Being interrogate, if the rising in arms at Bothwell was lawful, declares it was, for the defence of the truth, and that it was lawful, and those are his principles. As to the archbishop's murder, declares, he thinks he is not obliged to answer for the actions of others. And being interrogate, if he owns the Sanquhar declaration, declares he does. And being desired to sign his declaration, declares this would be an owning of the king's authority, which he disowns; and refuses to do it." When this is read before the justiciary, he adheres to all that is in it. 1681.

Mr Walter Smith, son to Walter Smith in the parish of St Ninians, was an eminent Christian, and good scholar; he studied under the famous Leusden, who had a great value for him. Against him the advocate adduceth his confession before the council, July 15th, wherein he declares, "He heard Mr Cargill preach in the fields; confesseth he was at Torwood, where he heard the king and his royal highness excommunicated; declares he does not think it lawful to rise in arms against lawful authority. Being interrogate, if he owns the king and his authority as lawful, declares he cannot acknowledge the present authority the king is now invested with, and the exercise thereof, being now clothed with a supremacy over the church. Being asked if he was at Bothwell-bridge, refuses to answer; declares James Russel was at the conventicle lately held at Devan; that about twelve months ago, he saw Balfour of Kinloch in Holland; that he did not see Henderson lately. Being interrogate, if the king's falling from the covenant looses him from his obedience, and if the king thereby loses his authority, answers, he thinks he is obliged to perform all the duties of that covenant, conform to the word of God, and the king is only to be obeyed in the terms of the covenant. Being interrogate, if he thinks the excommunication of the king lawful, refuses to answer. Being interrogate, how he liked the reasons of the excommunication when he heard them, declares he thinks the reasons were just. A copy of Mr Cargill's sermon being read to him, in that part of it, bearing these words as one of the reasons, *viz.* Because the king is still working for the commanding of armies, to destroy the Lord's people, who were standing to their own defence, for their privileges and rights, against tyranny and oppression, and injuries of men; for the blood that he hath shed in fields, and scaffolds, and on the sea, of the people of God, upon the account of religion. He owns the same as a just reason and ground of excommunication, and thinks the excommunication, and the grounds thereof, ought not to

1681. be judged by this, but an ecclesiastical court. As to the bishop's murder, and king's authority, he answers as Mr Boig." And further, the advocate adduceth his additional confession, July 19th, "where being interrogate, if he owns the Sanquhar declaration, and it being read, he owns the same in all its articles, except that he does not look on these persons as the formal representatives of the presbyterian church, as they call themselves. And as to that expression, The king should have been denuded many years ago, does not like the word denuded, but says, what the king has done justifies the people's revolting against him. And as to that part declaring war, he does not know if they were called, or in a capacity to declare war; and thinks that they thereby intended only to justify the killing of any of the king's forces in their own defence, when assaulted, otherwise it might have been esteemed murder. As to these words, where the king is called an usurper and a tyrant, declares he knows certainly the king is an usurper, and wishes he were not a tyrant." This confession not being signed, is proven by the depositions of the lord Halton, and the council-clerks.

William Thomson, servant in Frosk, comes next, and against him is adduced his own confession, when examined before the committee for public affairs. Edinburgh July 12th, "that he was at Bothwell; that he hath not taken the bond; that he assisted to the relief of two prisoners in the town of Airth. As to Bothwell rising being rebellion, the king's authority, and the archbishop's death, he refuses to answer. Being asked if it was lawful to kill the officers of the army, he asked at the committee if it was lawful for them to kill the people of God, adding, that if they pleased they might lay the one to the other. Being asked, if to save his life, he will say God save the King, answers, he will not buy his life at so dear a rate, as to commit any sin."

William Cuthil seaman, hath his confession likewise brought as probation against him, "that he was taken by some of the earl of Mar's men, with two pistols and a dirk about him; being interrogate, if it be lawful to kill the king, answers, the king has broken the covenant, and presses others to do so by his forces, and therefore he thinks he deserves to die, and denies his authority upon that account; as to the murder of the archbishop, he thinks the persons who did it, had the glory of God before their eyes, and refuseth to sign."

Both the last spoken of owned their confessions before the justiciary and inquest; and the assize bring in Mr Cargill guilty of treasonable declining the king's authority, and being at Bothwell, and the other four as guilty of owning the treasonable principles in Sanquhar declaration, and disowning of the king's authority; whereupon the judges pass sentence, that they be hanged to-morrow the 27th instant, and the heads of Mr Cargill, Mr Boig, and Smith, be placed on the Nether-bow port, and the heads of the other two on the West-port; which was pronounced for doom.

It is but very little account I can give of these persons. Their speeches, and some other of their papers are published in the Cloud of Witnesses. Mr Cargill had a design to have left behind him a large paper, giving an account of his principles and practices, and had writ some part of it; but they were all hastened to eternity, sooner than any body almost was expecting; and the night after his sentence, Mr Cargill had all his papers seized, and pen and ink denied him. However, some way or other he got access to write, and sign the short paper I have inserted below.* I need make no re-

* This is the most joyful day that ever I saw in my pilgrimage on earth; my joy is now begun, which I see will never be interrupted. I see both my interest and his truth, and the sureness of the one, and preciousness of the other. It is near thirty years since he made it sure, and since that time (though there has fallen out much sin) yet I was never out of an assurance of mine interest, nor long out of sight of his presence; he has dandled me and kept me lively, and never left me behind, though I was oft-times turning back. O! he has showed the wonderful preciousness of his grace, not only in the first receiving *thereof*, but in the renewed and multiplied pardons. I have been a *man* of great sins, but he has been a God of great mercies. And now, through his mercies, I have a conscience as sound and quiet as if I had never sinned. It is long since I could have ventured on eternity through God's mercy and Christ's merit, but death remained somewhat terrible, and that now is taken away; and now death is no more to me, but to cast myself into my husband's arms, and to lie down with him. And

flections on it, the reader will perceive in it, he abstracts much from public matters, and presses regeneration and the exercise of godliness; and when he comes to state his disowning the king, as he had done in this examination, so now he puts it on this bottom, the magistracy I have rejected, is that founded on the supremacy, and that because invested with Christ's power. When he was upon the scaffold, he discoursed much to the same purpose, with what is in the foresaid paper. He was frequently interrupted by beating of the drums. He declared his full assurance of faith, as to his own everlasting happiness, his fears of a stroke coming upon Scotland, his cheerfulness in suffering, and says, he is going up the ladder with less fear and perturbation, than ever he entered the pulpit to preach. He forgave all wrongs done to him, and died in the Lord with a great deal of sweetness and composure. These hints were taken from his mouth, and printed shortly after his death; but the confusion of the soldiers was so great, that much was lost. In short, he was a person of very deep and sharp exercise in his youth, and had a very extraordinary outgate from it; the account of both is too large to be insert here. Afterwards he lived a most pious and religious life, and was a zealous and useful minister, and of an easy sweet natural temper. And I am of opinion, the singular steps he took towards the end of his course, were as much to be attributed unto his regard to the sentiments of others, for whom he had a value, as to his own inclinations. After Mr Cargill, Mr Walter Smith was next executed; he stated his disowning of the king's au- 1681.

however it be with me at the last, though I should be straitened by God, or interrupted by men, yet all is sure and shall be well. I have followed holiness, I have taught truth, and I have been most in the main things; not that I thought the things concerning our time little, but that I thought none could do any thing to purpose in God's great and public matters, till they were right in their conditions. And, O that all had taken this method, for then there had been fewer apostacies. The religion of the land, and zeal for the land's engagements are come to nothing but a supine, loathsome, and hateful formality; and there cannot be zeal, liveliness, and rightness where people meet with persecution, and want heart-renovation. My soul trembles to think how little of regeneration there is amongst the ministers and professors of Scotland. O! the ministers of Scotland, how have they betrayed Christ's interest, and beguiled souls! They have not entered in themselves, and them that were entering in they hindered. They have sold the things of Christ and liberties of his church, for a short and cursed quiet to themselves, which now is near an end. And they are more one, and at peace with God's enemies after they have done all their mischiefs, nor they were at first when they had but put hand to them; and I much fear, that though there were not one minister on all the earth, he will make no more use of them; but there will be a dreadful judgment upon themselves, and a long curse upon their posterity. As to our professors, my counsel to them is, that they would see well to their own regeneration, for the most part of them has that yet to do; and yet let never one think, that he is in the right exercise of true religion, that has not a zeal for God's public glory. There is a small remnant in Scotland that my soul has had its greatest comfort on earth from. I wish your increase in holiness, number, love, religion, and righteousness: and wait you, and cease to contend with these men that are gone from us, for there is nothing that shall convince them but judgment. Satisfy your consciences, and go forward; for the nearer you are to God, and the farther from all others, whether stated enemies, or lukewarm ministers and professors, it shall be the better. My preaching has occasioned persecution, but the want of it will (I fear) occasion worse. However I have preached the truths of God to others, as it is written, 'I believed, and so I preached,' and I have not an ill conscience in preaching truth, whatever has followed; and this day I am to seal with my blood all the truths that ever I preached; and what is controverted of that which I have been professing, shall ere long be manifested by God's judgments in the consciences of men. I had a sweet calmness of spirit, and great submission as to my taking, the providence of God was so eminent in it; and I could not but think that God judged it necessary for his glory to bring me to such an end, seeing he loosed me from such a work. My soul would be exceedingly troubled anent the remnant, were it not that I think the time will be short. Wherefore hold fast, for this is the way that is now persecuted. As to the cause of my suffering, the main is, not acknowledging the present authority as it is established in the supremacy, and explanatory act. This is the magistracy that I have rejected, that was invested with Christ's power, and seeing that power taken from Christ, which is his glory, made the essential of the crown, I thought this was as if I had seen one wearing my husband's garments, after he had killed him. And seeing it is made the essential of the crown, there is no distinction we can make that can free the conscience of the acknowledger from being a partaker of this sacrilegious robbing of God. And it is but to cheat our consciences, to acknowledge the civil power, for it is not civil power only that is made of the essence of his crown, and seeing they are so express, we ought to be plain, for otherwise it is to deny our testimony, and consent to his robbery.

DON. CARGILL.

1681. thority upon the same foot with Mr Cargill. At his last he spoke without that heat, and these heights, which, in some cases, he had discovered in the former part of his life. Upon the scaffold he was frequently interrupted, and there he repeated much of the paper he left in writing. He disclaimed the unlawful exercise and tyranny of authority, and gave very solid and pleasant advices to the spectators, as to their practice, and making their calling and election sure; and as in his testimony, so now he presses them to beware of a spirit of bitterness, peremptoriness, and ignorant zeal: and refers, for his judgment in many things he would not now dip into, to a paper drawn up by him some time ago, entitled, Some Steps of Defection, &c. and cautions against division, in adhering to some points, anent which, he himself, it seems, once had protested. Mr James Boig was next despatched. I have nothing further about him, than what is contained in a letter of his to his brother, the day before his death, which, though it be already printed, yet having matters of fact in it I have not observed elsewhere, I have annexed it below.* Both he and Mr Smith died under much comfort, joy, and full assurance; and the reader will remark a considerable difference betwixt the papers they left behind them, and many others unwarily published in the book I last cited. I have little to add as to the two country people, who suffered with them, probably not without a design in them who ordered it so. William Thomson was taken at Alloa, when coming from a sermon of Mr Cargill's, in the end of June last; what they had to lay to the charge of these two men we have seen. Both of them run much higher in the papers they left behind them, than any of the other three; and certainly, allowances ought to be made for the different character, and capacity of the persons. These five in one day, and the day before the new parliament met, were but a melancholy preface, and ought to have been a moving spectacle to these law-makers. One would have thought they might have been very much satiate with blood, and this day's executions might have scared from any more; but that was not the design, but rather to harden them in making sanguinary laws, and imposing new and contradictory oaths, which would bring me to

* *Mr James Boig's testimony, in a letter July 27th, 1681.*

Dear brother,

I have not now time to write that which I would; but, to satisfy your desire, and the desire of others who are concerned in the cause and work of God, that is now at this time trampled upon, I have given out my indictment to a friend of yours, and now I shall give an account of the enemy's prosecution thereof against us. My indictment did run upon three heads. 1. That I had disowned the king's authority. 2dly. That I said the rising in arms at Bothwell-bridge was lawful, and upon the defence of truth. 3dly. That I owned the Sanquhar declaration in the whole heads and articles thereof. And having again owned this before the justiciary and assizers, I held my peace and spake no more, because I saw what was spoken by others was not regarded either by our unjust judges or mocking auditors; all that our speaking did was the exposing of us to the mockery of all present. But the reasons that were given in thus for our defence in the first head, were, "that we could not own the authority as now presently established, unless we should also own the supremacy which the king hath usurped over the church." By our doing of this we should rob Christ of that which is his right, and give that unto a man which is due to no mortal; the reason is, because the supremacy is declared in their acts of parliament, to be essential to the crown; and that which is essential to any thing, is the same with the thing itself; so that in owning the authority, we are of necessity obliged to justify them in their usurpation also. But there is another argument which to me is valid, though I spake it not before them, and it does not a little trouble me that I have passed it. The advocate in his discourse to the assizers, among other things, said, "that we were overturning these acts and laws which they (the assizers) had consented to, and were owning." Now I suppose, their consent to the present acts and laws, was never formally required of them, but that which is taken for their consent is their simple silence, when these acts were made and published, and owning these parliaments as their representatives, so that I may clearly argue from this, that even in their own sense, my owning of the present authority now established as lawful, and the present magistrates as my magistrates, is a giving my consent to the present acts and laws, and so consequently to the robbing Christ of that which is his right. As to the second, it being but one particular fact deduced from that principle of the lawfulness of self-defence, and this principle being as positively asserted by all of us, I look upon the principle to be as expressly sealed with our blood, as that particular fact of rising in arms at Bothwell-bridge is. As to the third, it being a deed consequential from the first, I look upon them both to stand and fall together, and he that owneth the first, must of necessity own the last also. And as to that of the declaring of war, I

the next section; but I have yet before me some more executions, near akin to these I have been describing, after the parliament is up.

In the beginning of October, by the registers, I find six more before the criminal court; and the account I give of them, shall be from these and some original papers before me. October 7th, I find Robert Garnock, hammerman in Stirling, Patrick Foreman in the parish of Alloa, David Fairie, James Stuart, George Lapsley, and Alexander Russel. We heard of Robert Garnock before, since Bothwell-bridge; he has continued now two years in the irons. The case of James Stuart was really lamentable, and a fresh instance of their barbarity. He was a young man, I might almost have termed him a boy, of good and serious inclinations, who had never been, as far as I can learn, engaged in any thing for which the law could have reached him. He came in from the west country, to see a relation of his in prison at Edinburgh; by what means, I know not, the other got out, and he was found in the room whence the other escaped; whereupon he was brought before a committee of council, and soon ensnared by their questions. When he was silent in some heads, and would not answer, some papers before me bear, 1681. that Sir George Mackenzie threatened to take out his tongue with a pair of pincers. Precisely upon his answers he was condemned, and in a few days after, he was taken, and executed with the rest at the Gallow-lee. Robert Garnock's original indictment being in my hands, and it being a little out of the road of the indictments given since Bothwell, and that of the rest condemned with him being much of the same tenor, though I know not if they joined in Robert Garnock's papers or not, I shall here insert an abbreviate of it. He is indicted, that "Whereas the deniers and decliners of the king's authority, are to be punished by forfeiture of life and fortune, by act 129, parl. 6, Jam. VI., and act 2, sess. 2, parl. 1, Charl. II., nevertheless the pannel did, before the council, upon the first of October instant, decline the authority of the king and council, and called the king and council tyrants, murderers, perjured, and man-sworn, declaring that it was lawful to rise in arms against them, and kill them, and gave in a most treasonable paper, termed, 'A protestation and testimony against parliamentars.' Wherein he

---

did always look upon it to be one and the same, though differently expressed, with that contained in the paper found at the ferry, and that the main design of it was to vindicate us before the world, in our repelling unjust violence, and clearing us of these aspersions that were cast upon us, viz. the holding as a principle the lawfulness of private assassinations (which we disown) and murdering all those who are not of the same judgment with us. These are the truths which we are to seal with our blood, tomorrow in the afternoon at the cross of Edinburgh. As to other particular actions, we declined to answer positively to them, as that of the bishop's death; we told them, we could not be judges of other men's actions. As to the excommunication, because we declined them as not competent judges to cognosce upon an ecclesiastic matter, they did not proceed upon it.

And now, dear brother, you may see our quarrel clearly stated, to be the same that Mr James Guthrie laid down his head for; beside whose mine and my other two friends' heads are to be set. There were many other things passed in private betwixt me and Mr William Paterson, sometime my regent, now councilclerk, with some others who strongly assaulted me with their snares; but now I hope I may say, that my soul hath escaped like a bird out of the snare of the fowler. And as to your second desire of knowing how it went with my soul; many and strong have been the assaults of Satan since I came to prison, but glory to God who hath not been wanting to me in giving me assistance, yea, many times unsought, and he is yet continuing, and, I hope, shall do to the end, to carry me above the fear of death, so that I am in as sweet a calm, as if I were going to be married to one dearly beloved. Alas, my cold heart is not able to answer his burning love! But what is wanting in me, is, and shall be made up in a Saviour, complete and well furnished in all things, appointed of the Father for this end, to bring his straying children to their own home, whereof (I think I may adventure to say it) I am one, though feckless. Now I have no time to enlarge, else I would give you a more particular account of God's goodness and dealing with me: but let this suffice, that I am once fairly on the way, and within the view of Emmanuel's land, and in hopes to be received an inhabitant there within the space of 26 hours at most. Farewell all earthly comforts, farewell all worldly vanities, farewell all carnal desires, welcome cross, welcome gallows, welcome Christ, welcome heaven, and everlasting happiness, &c. I have no more spare time. Grace, mercy, and peace, be with you. Amen.

JAMES BOIG.

From Edinburgh tolbooth, July 27th, 1681.

1681. terms the members of parliament idolaters, usurpers of the Lord's inheritance, and protests against their procedure in their hell-hatched acts; which paper is signed by his hand, whereby he is guilty of the crime of treason. That further he gave in a signed declaration to the council, wherein the said Robert Garnock disowns the king's authority and government, and protests against the council as tyrants. Therefore, &c. in common form." This was now the ordinary way of their indictment, when, by their severity, they were driven to heights, or by cunning they had elicite confessions, their own papers and confessions were turned into an indictment, without any matter of fact, generally speaking, to lay to their charge; and they were sentenced merely upon the wild opinions which one way or other they were brought to own before them. There was no difficulty of probation against this pannel; his own declinature and protest signed by him were produced before the assize, and lords of the justiciary, before whom again he renews his declinature of the king and them, and adheres to his former papers. Patrick Foreman is indicted for disowning the king. The probation is his declaration before the council, October 1st, where he confesseth, "that a knife was found on him with this inscription, 'for cutting tyrants' throats.' Being asked, if that was to kill the king, answers, if the king be a tyrant, why not cut his throat, and if the council were true judges, they would have that posie on their swords. Being asked by his royal highness, if he owned the king's authority? He answered not. Being asked if he knew that was treason, he asked, against whom? And it being answered, against his sovereign the king. He said, he disowned the king for his king and sovereign." All this he adheres to before the justiciary, and repeats his disowning the king. David Fairie is the same way dealt with. His confession before the council bears, "That he disclaimed the king's authority, that he calls him a tyrant, asserts it is lawful to kill murderers; says, the king is a murderer, because he hath murdered the people of God." James Stuart and Andrew Russel plainly disown authority. Hugh Stevenson, clerk-depute, and Sir William Paterson depone, these were their expressions, and they all renew their declinature of the lords of justiciary, and are remitted to the assize. Before the assize went aside, the pannels delivered to the inquest a paper containing a protestation and warning to them, if they brought in an unlawful verdict against them. A copy of it is before me, signed by the six pannels; and indeed it is not so much out of the road, as some other protests given by some of them. "They advise them to consider what they are doing, and upon what grounds they pass a sentence upon them; they declare they are no rebels, that they disown no authority which is according to the word of God, and covenants which the land is bound by. They charge them to consider how deep a guilt covenant breaking is, and put them in mind they are to answer to the great Judge of all, for what they do in this matter; and say, they do this since they are in hazard of their lives, only because they cannot in conscience yield to the iniquitous laws of men; and acquaint them, it is a dangerous thing to pass a sentence on men, merely because of their conscience and judgment; that they are free subjects, never taken at any action contrary to the present laws; and add, that now these whom they once thought would rule for God, have turned their authority for tyranny and inhumanity, and make out both in destroying the laws of God, murdering his people against and without law, adding, as we ourselves can prove and witness, when brought in before them. After two years' imprisonment, one of them most cruelly and tyrant like, rose from the place of justice, and drew a sword, and would have killed one of us, but providence ordered it otherwise, however, the wound that was received is yet to be shown; the like action was never heard or read of. Some time since they cruelly murdered David Finlay at Newmills, guilty of nothing they could call a crime, living peaceably at his own house, without a witness, or any shadow of law; when brought by a party before them, he was shot immediately. What they did in Mr Mitchell's case, after his life was

granted under the public faith, to break which they perjured themselves, is publicly known: and James Learmont they likewise murdered, after he had been three times freed by the assize. They add, that after such murders which deserve death, they cannot see how they durst own them as judges. After all, they charge them solemnly to notice what they do, and assure them their blood will be heavy upon them. They put them in mind of Mr John Ellies, who pleaded against Messrs King and Kid, how terrible this was at his death; and conclude with Jer. xxvi. 15, and charge them not to take innocent blood on their heads: and subscribe all at Edinburgh, October 7th, 1681, David Fairie, James Stuart, Alexander Russel, Patrick Foreman, Robert Garnock, George Lapsley." Notwithstanding of this paper, the inquest brought them in guilty of the crimes libelled, by their own confession. George Lapsley is delayed until November 7th, where I find the diet is deserted against him, *simpliciter* as to treason. The occasion of this difference, I hear, was, that George Lapsley, when interrogate as the rest were, disowned authority, and other things they disowned, with this qualification, "according to the word of God, and our sworn covenants." He got out of prison afterward when it was broke: but the other five are sentenced to be hanged betwixt Leith and Edinburgh, upon the 10th instant. Foreman's hand is to be cut off before death, and the heads and hands of the rest are ordered to be cut off after they are hanged, and set up upon the Pleasance Port.

The sentence was executed against all of them at the Gallow-lee, betwixt Leith and Edinburgh. The reason of this change of the place, was, the multitude of executions at the cross and grass-market, drew so many spectators, and the carriage and last speeches of the sufferers, when allowed to have them, made such impressions, that it was found adviseable to take the sufferers out of the town, to a place where some of the most notorious criminals used to be executed; and I am told, that several times they carried them down thither early in the morning, and at hours when they expected few would come out of town. I have nothing further upon this process, unless it be that their plain upbraiding popery as idolatry, and the duke of York as a papist, heightened the fury of the managers against them. And after the acts, we shall in the next section find the parliament passed making it treason to speak against the succession of the duke of York, though a papist. This was a new handle against the sufferers, many of them speaking boldly against him as a papist, and the author of all their sufferings. 1681.

Thus I have put together all these sufferers unto death this year. The heights some of them ran to, are proofs what lengths the oppression of such a period puts less knowing people upon, and will never entirely vindicate the severity with which they were treated. It is time now to take a view of the new laws made this year.

SECT. V.

Of the laws and acts made in the parliament, which met July 28th this year, in as far as they relate to the church.

It is now about nine years since we had a parliament in Scotland, and it may be, considering all circumstances, the kingdom was at no great loss. Other ways were now fallen upon to manage affairs than by these, which were none of the king's darling courts, though he had no reason to be much displeased with our Scots parliaments, since his restoration; only the country party last session thwarted a little with him, or rather the duke of Lauderdale; yet, in every matter which tended to advance the oppression and hardships upon presbyterians, they had been abundantly obsequious to his majesty and his bishops. This was king Charles's last parliament, and the next we shall find summoned by him, who is commissioner to this, James duke of Albany and York.

There was no great need of a new parliament from the untowardliness of the former members, but after so long an interval, decency required a new election, and so a proclamation, of the date Whitehall,

1681. June 8th, indicting a parliament to be held at Edinburgh, July 28th, is emitted. Another proclamation, Edinburgh, July 19th, is before me, wherein his royal highness his majesty's high commissioner, by the lyon king at arms, warns the members to convene at Holyrood-house July 28th, by nine of the clock in the forenoon, the lords furnished with their gowns, robes, horses, and foot-mantles, the commissioners of shires with their horses and foot-mantles, to attend his royal highness on horse-back in his going to the parliament house, and in his return, and ordering all, having commissions from shires and boroughs, upon the 25th instant, to deliver them in to the register in the parliament house. Great parade was made at the riding of this parliament. The manner and order of it was printed by authority, which was kept, and every thing very splendid. When they met, the king's letter to this parliament was read, which is inserted below.* Papers of this nature readily contain as much of the mind of the ministry and minions about the king, as his own, and so I make no reflections upon it. The commissioner's speech came next, and is annexed below.* Therein he expresses

---

* *King's letter to the parliament, read July 28th,* 1681.

CHARLES R.

My lords and gentlemen,

Our inclination to embrace all opportunities to express our constant care of, and affection to our ancient kingdom, hath moved us to call you together at this time, to advise with us, what may truly conduce to the security and interest thereof; and as we have ever judged our own, and the interests of our subjects to be inseparable, and such as would divide them, to be, in their hearts, enemies to both, (experience having sufficiently evinced, that all invasions upon, or diminutions of the rights and prerogatives of our crown, prove fatal and destructive to the security and property of our people, which can only thereby be protected,) so are they then best managed and secured, when provided for by unanimous counsels and joint resolutions. And, as it is one of our greatest satisfactions, that we have been always careful of that our ancient kingdom, with a tenderness suitable to our great interest in it; so when we remember the firm and dutiful constancy which it hath always paid to the royal line and family, and that now it is your interest, as well as duty, to adhere unto it, with unshaken loyalty, as much as ever, we cannot doubt of your ready and zealous compliance at this time, with what shall be proposed as fit for our service, which can never be divided from the happiness of our people. And since some (corrupted with the rebellious principles of the last age, or the blind zeal of this) have at first raised schisms and separation in the church, and afterwards frequent rebellions against us, we cannot but expect, from your prudent consultations, effectual and adequate remedies for curing these violent distempers at present, and preventing them for the future; and that you will not despise or connive at the smallest appearances of these wicked and seditious principles, which (how plausibly soever they may be disguised, under the old pretences and fallacious masks of liberty and religion, which are ever least minded by the most clamorous pretenders to them) yet, in the issue, lead to such monstrous effects, and rebellious extravagances, as necessarily tend to the dissolution of all government and order, and of which you cannot choose but be deeply sensible. This being once effectually done, we may reasonably hope, that our government in church and state, as by law presently established, shall receive its due reverence and obedience; and that all our good subjects shall be preserved in peace, tranquillity, and happiness. For promoting these great ends so necessary to the securing the protestant religion, our authority and government, and the common interest of our people, by your joint advice, who are so much concerned; and for enacting of such laws, as experience hath discovered to be wanting for distribution of justice in several cases, which have emerged since our last parliament, we have called this. And as an eminent expression of our favour to you, have named our most dear, and most entirely beloved brother, James duke of Albany and York, &c., to be our commissioner therein, whom we have found so affectionate to you, and to whom you have testified so much duty during his long stay amongst you, which hath enabled him so well to understand the affairs and interest of that our ancient kingdom. And since his interest is so inseparable from ours, we shall not doubt of your ready and cheerful concurrence to render his endeavours amongst you successful for securing our government, and your own peace and happiness. By doing whereof, you will answer the entire confidence we have in your prudence and loyalty. And so we bid you heartily farewell.

Given at our court at Windsor-castle, the twelfth day of July, 1681, and of our reign the thirty-third year.

By his majesty's command,

MURRAY.

* *Duke of York's speech to the parliament.*

My lords and gentlemen,

As I have had the honour to serve his majesty in other capacities, so I esteem it a great honour and happiness that he hath been pleased to make choice of me to serve him, as his commissioner, in this his ancient kingdom; since it shows to all the world the goodness he hath for me, as well as the trust and confidence he hath in me; and puts me, not only in a capacity of serving him, as becomes a dutiful and loyal subject, but also gives me the opportunity of letting you all see the real concern I have for the good of this country, and my readiness to serve it, and promote its true interests. I do not doubt but that this will be a happy meeting, and end to the satisfaction of his majesty, and all his loyal subjects,

a very great concern about his own succession to the crown. From both these papers we may easily gather the two great designs in view this meeting of parliament, to bear down separation, that is presbyterians in Scotland, and to secure the duke's succession, that is, popery in Britain. The first is pretty plausibly pressed in the king's letter; and the second is plainly insinuate in the duke's speech; though one would think the business of the succession would have come as gracefully from his majesty as the duke; but papists stick at nothing to promote their own designs.

The first thing that parliament fell upon was the making a return to the king's letter, and upon the first of August an answer was read and approven, which I have inserted below.* Every one 1681.

---

which I say with the greater confidence, having now been so long amongst you, and found so great a readiness in all of you, for the advancing of his majesty's service. You have heard in his majesty's gracious letter, the reasons of his calling you together at this time, and what he doeth, and may expect from this his ancient kingdom, of whose loyalty and affection to his service, he doth in no manner doubt. He hath commanded me to assure you, that he will inviolably maintain and protect the protestant religion, as now established by law in this his kingdom; and that he will, upon the same account, protect and maintain the government of the church by archbishops and bishops, and will take their persons and all other their concerns, into his royal care and protection; and doth seriously recommend to you to fall upon effectual courses for suppressing those seditious and rebellious conventicles, from whence proceed all disorder and confusion, and these horrid and extravagant doctrines, which are a scandal to christianity, and tend to the subversion of all public and private interests. I am also to declare to you, in his majesty's name, that it is, and was always his intention, that law should have its due course, for the security of his subjects' properties and rights; and that he will always discountenance all courses contrary to, and inconsistent with the laws of this kingdom, none being so much concerned for their due observance as himself. And now he doth expect, you will not be short of the loyalty of your ancestors, in vigorously asserting and clearing his royal prerogative, and in declaring the rights of his crown in its natural and legal course of descent; that you will take care to settle and provide such seasonable and necessary supplies, as the support and interest of his government call for and require. And now I hope, that, as the council hath already begun to do their parts, to promote the trade of this kingdom, that you will also do yours, that it may flourish.

My lords and gentlemen, as to the inclination I had to serve and promote the interest of this kingdom, hath been the chief inducement to his majesty to give me this opportunity to convince you of it; so you may be sure, I shall do what becomes me to satisfy you of the truth of it; and I hope you will have that consideration and kindness for me, as to enable me to perform his service.

* *Parliament's letter to the king, August* 1st, 1681.

May it please your sacred majesty,

The manifold sad experiences of the fatal mischiefs and calamities which attend rebellions, must needs, in due proportion, dispose all your majesty's subjects to higher measures of loyalty, more particularly us in this your ancient kingdom, being sensible, as we have a more special interest in your majesty's sacred person and family, so *must we inevitably share the* more deeply in all the inconveniences which may disturb or subvert your royal government. And therefore, as, by our allegiance, we own it to be our duty to be obedient and loyal to your majesty, and your lawful heirs and successors, so your majesty's extraordinary kindness to such as have continued in their duty, and your wonderful clemency by your repeated indemnities to such as have fallen from it, cannot but kindle in us strong and ardent desires to serve your majesty, with all the courage and alacrity of which we are capable, and to let your other kingdoms, and all the world see, that we esteem our lives and fortune to be best employed in maintaining of the just rights and prerogatives of your majesty's crown and monarchy, the native succession whereof cannot be invaded, without utter subversion of the fundamental laws of this your majesty's ancient kingdom. And this our loyalty we esteem our alone security, to avoid these confusions and slavery, which distracted and ruined us in the last age, and seemeth to threaten us so apparently in this.

Sir, though some rebellious and deluded people have disturbed your majesty's government there, yet their principles are so extravagant, and so few persons of any note or quality are engaged with them, that we may justly hope their crimes cannot be imputed to this kingdom, whose representatives, in this your majesty's parliament, will no less for their vindication as to what is past, than for their own security for the time coming, cheerfully provide suitable and sufficient remedies; all of us being very sensible, that these distractions and disorders would, in the issue, tend to the dissolution, not only of your majesty's government in the church and state, as the same is by law established, but even of all human society.

It is a great satisfaction to us, to find your majesty so concerned for the protestant religion, not only in your gracious letter to us, but in the whole conduct of your royal government. And we shall, with all christian care and duty, endeavour to confirm it, so as it may become a solid and pious support to your royal family and monarchy, and a sure fence, in this disturbed and divided church, against all usurpations and disorders of popery and fanaticism, that, for the future, the pretence of its insecurity may not be made (as formerly) an engine for carrying on disloyal designs and practices.

We offer our most humble and hearty thanks

1681. who knows the method of penning these public letters of compliment, will easily perceive, that in common course a return of this nature would follow such a letter at such a juncture, from so loyal a parliament, under the management of a popish commissioner; therefore very little needs be said upon it. Generally speaking, it is just a repetition of the king's letter, with turning the compliment upon him and his brother, which is the plain Scots of the royal family. Indeed I cannot but wonder a little at their modesty, when they pretend to give his majesty's other kingdoms a pattern to maintain the native succession, which, they add, cannot be invaded without subverting the fundamental laws. The reader, I apprehend, will be at a loss to know where these are which oblige protestants to bring upon themselves and posterity the yoke of popery, and a popish successor. They plainly add, they rather venture upon this than upon presbytery, which, they allege, brought confusion and slavery in the last age; whereas order and liberty were never so much known in Scotland, as when presbytery was in its height and vigour. Next, they make a compliment to the king upon his concern in the protestant religion; where I cannot help thinking they came near a self-contradiction to their declaration which follows, of their intention to support the royal family, that is, the duke of York, a virulent papist, in his claim to the succession. Then they take on an engagement, to declare their acknowledgment of the prerogatives of the crown in its lineal descent; which they did with a witness in their succeeding acts, as shall be observed. Meanwhile they promise never to depart from the royal family, and their commissioner the lawful successor, and conclude with compliments to him.

From such beginnings we may easily guess what will be the tenor of the acts of this third parliament, and I need not insist long upon them. Their first act ratifies all former laws for the security of the protestant religion. It is but short, and I have added it below.* This act came in common course, and agreeably to the ordinary form of the king's instructions. Most parliaments, since the reformation, have begun with what they thought had a reference to

---

to your most sacred majesty, for calling us together at this time, to consult jointly the interests of your majesty's government, and of your subjects in this your ancient kingdom, which we trust shall never be divided: and therefore, as the prerogatives and just rights of the monarchy, are absolutely necessary for the defence of our properties and liberties, so, in pursuance of our own interest, and for further clearing of our duty and allegiance, by positive laws, we shall not fail to declare our humble and hearty acknowledgments of the just rights and prerogatives of your imperial crown, in its just, native, and lineal course of descent; and to secure the just rights and liberties of your subjects, so as may fully demonstrate our unalterable resolutions, never to depart from our duty to your royal family, and your lawful heirs and successors, to whom we are tied by so many sacred obligations.

We do also with all humble gratitude, acknowledge the grace and honour done to this kingdom, in naming your royal brother to be your majesty's high commissioner in this present parliament. And indeed the beholding a son of our ancient monarchs, under whom we and our ancestors have been so long and so happily governed in this character, doth vigorously awaken in us the remembrance of our native kindness and obligations, as his just temper and steady equality in all our concerns, cannot but extinguish in us all fears and jealousies of severity or partiality, his interest being inseparable from your majesty's; and he being well acquainted with all our concerns, and so affectionate to, and careful of them, your majesty may justly expect from a parliament, under the conduct of such a commissioner, all that can be judged necessary for the honour and support of your royal government and authority, and for securing the just rights and liberties of your subjects, and that with all the loyalty, readiness, and sincerity which can be expressed by us.

Signed in name and by order of the parliament, by

Your majesty's most humble, most faithful, and most obedient subject and servant,

ATHOLE I. P. D. Par.

---

* *Act ratifying all former acts anent religion, August 13th*, 1681.

At Edinburgh, the thirteenth day of August, one thousand six hundred and eighty one.

The which day our sovereign lord, with advice and consent of the estates of parliament, ratifies and approves all and whatsoever laws, acts, and statutes, made by his royal grandfather and father of blessed memory, or made and passed in any of his majesty's former parliaments, for settling and securing the liberty and freedom of the true kirk of God, and the protestant religion presently professed within this realm, and all acts made against popery; and ordains the same to stand in full force and effect, and to be put to execution, according to the tenor and purport of these acts, as if they were specially mentioned and set down herein.

the securing religion. The lords of articles used to enter their work by appointing a committee for religion, out of their number, which they did at this time. Of this committee that excellent person, Archibald earl of Argyle, of whom more this year, was a member, and a very worthy member, seeing he really had the protestant religion at his heart. I am told this committee did prepare an act securing the protestant religion, the draught of which I have not seen; but I am informed it ratified act par. James VI. approving the confession of faith, and act par. James VI. containing our coronation oath to be taken by all our kings at their coronation, and regents before their entry to and exercise of their government. It was indeed less hard upon the successor as to his own profession, but every way as peremptory, if not more, than these acts, as to the public exercise of the reformed religion, and contained a test to exclude papists out of places of trust; and because the penalties to be incurred, by their acting in such places without taking this test, would be precarious in the event of the sovereign's being a papist, without their being exacted, therefore they were not to come to the treasury, but the one half to the informer, and the other half to pious uses, and a plain way was laid down for their being exacted. But when this project took air, the commissioner stormed extremely, and the committee for religion after this was discharged to meet. Somewhat of this nature was aimed at in the act for the test; but it was, as we shall hear, so managed, as its edge turned only upon protestants. Instead of such an act as Argyle had in his eye, the lords of articles agreed upon this short and general draught, and brought it into the parliament without the clause, "and all acts against popery," so tender were they of the duke. But when it came to be read in the house, that noble earl moved the addition of the above-named clause. The motion was opposed as unnecessary, by not only the king's advocate, but also some of the bishops, and seconded by Sir George Lockhart and Sir James Dalrymple, president of the session, and was yielded to without a vote. This motion, with some appearances the earl made about the act anent the test, drew the commissioner's indignation upon him, so that nothing but his blood would satisfy him, though, before this appearance for the protestant interest, Argyle was as much in favour with him as any protestant in the kingdom. After all, there was no great hazard to the commissioner's religion, from this act and clause; it was but a fair general, and we shall find much the same surety granted at an after parliament, by the courtiers, when they were about to rescind the penal statutes. Indeed little real security can be expected to the reformation from a popish commissioner and claimant to the crown; and in my opinion, though a security had been intended in the act, yea, given in much stronger terms, it was quite taken away by the following act, which was a stroke at the root of the reformation, and an opening of the door to bring in one who by his religion is bound to rescind this act, and all it refers to, as soon as he could have an opportunity. 1681.

Their second act then is, "asserting the right of succession to the imperial crown of Scotland," which it is very proper I insert.* This act is of so high flying a

* *Act acknowledging and asserting the right of succession to the imperial crown of Scotland. August 13th*, 1681.

The estates of parliament, considering that the kings of this realm, deriving their royal power from God Almighty *alone*, do succeed lineally thereto, according to the known degrees of proximity in blood, which *cannot* be interrupted, suspended, or diverted by any act or statute whatsoever, and that none can attempt to alter or divert the said succession, without involving the subjects of this kingdom in perjury and rebellion, and without exposing them to all the fatal and dreadful consequences of a civil war, do therefore, from a hearty and sincere sense of their duty, recognise, acknowledge, and declare, that the right to the imperial crown of this realm, is, by the inherent right, and the nature of the monarchy, as well as by the fundamental and unalterable laws of this realm, transmitted and devolved by a lineal succession, according to the proximity of blood; and that upon the death of the king or queen, who actually reigns, the subjects of this kingdom are bound by law, duty, and allegiance, to obey the next immediate and lawful heir, either male or female, upon whom the right and administration of the government is immediately devolved; and that no difference in religion, nor no law nor act of parliament made, or to be made, can alter or divert the right of succession and lineal descent of the crown to the nearest

1681. strain, that I could wish to see remarks upon it by some lawyer and good hand. To me it appears to run cross to all our law and practick since we had any parliaments. Every sentence of it breathes the language of slavery, and so is exactly adapted to introduce popery, by bringing a popish successor to the throne. The kings of Scotland are said to derive their power from God Almighty alone; a phrase unknown in Scotland till the restoration, and contrary to the constant practice of parliaments, and the *primores regni*, who frequently unmade kings when they had declared themselves unfit for government, and tyrants, and consequently claimed the power of making them, as well as the breaking of, and diverting from the lineal succession. This is now so fully set in its light, from our records, ancient monuments, and papers, that it is undeniable. The learned and industrious antiquary, Mr James Anderson, hath published two unanswerable evidences of this in his valuable essay upon our independency, App. No. 24. and 25. the declaration of the estates of Scotland, concerning the settlement of the crown, and the act of parliament for the security of the kingdom, in the days of king Robert Bruce. I hope, from his curious and diligent researches into our history we shall yet have further proofs of that noble spirit of liberty which prevailed in Scotland both before and since our reformation from popery. The connexion betwixt this assertion and what follows, is as unnatural as the position was false in fact. Kings deriving their power thus, do succeed lineally thereunto, according to the known degrees of proximity in blood. There is but one instance of a succession of rulers deriving their power from God alone, the judges under Israel's theocracy; and sure no lineal succession can be pretended there: for my share, were I of the principles advanced here, I would be ready to think this derivation of power from God alone, natively requires a divine designation, reaching to each who enjoys it, and so bears heavy upon the lineal succession, which appears to me to stand better upon the foot of the people's choice, if they shall be such fools as to tie themselves down to it, though it should be a lineal succession of fools and madmen, or papists, which takes in both. Next, it is added, that this lineal succession cannot be interrupted, suspended, or diverted by any act or statute whatsomever. This is clever work, and an everlasting act to secure the jacobite interest against all revolutions: but one, meanwhile, must think this might have saved the parliament's pains in making this act, who, if they could not suspend by the same rule, could not confirm such a wonderful succession. And greater stretches were made in explaining laws during this period, than if I should say this clause was high treason in the sense of our Scots law, and a declaration flatly contrary to the power and privileges of parliament, and consequently these gentlemen were *felos de se*. They further declare all attempts to alter the lineal succession, do involve perjury and rebellion, and expose to a civil war. How deviations from the lineal succession involve perjury, I comprehend not, never having heard of any oath whereby subjects were knit down to the lineal succession; surely the gentlemen who made this singular act, cannot have any eye to the national, or solemn league and covenants. Rebellion this might be against the duke of York, who, I fancy, took all the laws and actings in Scotland, since his great-grandmother was set aside for popery and other crimes, and confined to Lochleven castle, to be a tract of rebellion; but it was no ways against the laws of the land. This the best in the three kingdoms perceived, when their eyes came to be opened, by the actings of a lineal and popish prince, a few years

---

and lawful heirs, according to the degrees foresaid, nor can stop or hinder them in the full, free, and actual administration of the government, according to the laws of the kingdom. Likeas, our sovereign lord, with advice and consent of the said estates of parliament, does declare it is high treason in any of the subjects of this kingdom, by writing, speaking, or any other manner of way to endeavour the alteration, suspension, or diversion of the said right of succession, or the debarring the next lawful successor from the immediate, actual, full, and free administration of the government, conform to the laws of the kingdom; and that all such attempts or designs shall infer against them the pain of treason.

after this; and had I at that time been in case to make any judgment of things, I would not have been so apprehensive of the numbers of papists in Britain, as to have dreaded a civil war. When the lineal popish successor was set aside, we had no great proofs of the courage of the papists, with the hereditary right and lineal succession gentlemen. After this narrative they declare, "That by inherent right and nature of the monarchy, and fundamental and unalterable laws of this realm, the succession is lineal." Some things here need a commentary before I can understand them; and all I remark, is, that if they had known those laws they mention, it is very probable they would have strengthened their act by citing them. They next declare, "That no difference in religion, no act of parliament made or to be made, can divert the lineal succession;" which is much the same as they had said, the kingdom never could, and never would be able to secure themselves from popery. All this is our Scots protestant parliament, with prelates in it to look after the security of religion, their declaration. At length they take in the king with them, and make it high treason in any subject, by speaking, writing, or any other way to endeavour to alter the lineal succession; that whoever did any thing to prevent a papist's coming to the crown, was guilty of treason. After this we need not wonder to find multitudes condemned by this iniquity established by a law.

Having thus settled their lineal successor, they come, by their third act, to offer a new supply to the king. Therein I only remark, that they resume and give their parliamentary sanction to the narrative of the act made by the convention of estates, 1678, imposing the cess, viz. "Because of the danger the kingdom was in, by seditious and rebellious field conventicles, and to support the army in bearing them down." The parliament now considering, that the danger from the foresaid causes doth much increase, do renew their offer. Then they lay down the method and manner of raising the money, much the same with what the convention had done; only they discharge all free quartering of soldiers, transient or local, after the first of November this year, because of the many inconveniences which arise therefrom to the subjects. 1681. There are two things obviously offer here that the alleged reason from field conventicles did not hold at this time. It hath been noticed, that, excepting a few which Mr Cargill kept, there have been none since Bothwell. Now they are rid of him, and there was no more for several years. The other is, that notwithstanding of this discharge, the country was as much almost as ever troubled with free quarter; and when redress was sought, none could be had from those who could give it.

Their fourth act is, for the securing the peace of the country, which I have added below.*

---

* *Act for securing the peace of the country, August 29th*, 1681.

Our sovereign lord and the estates of parliament, do ratify and approve all laws and acts of parliament, made for securing the government of the church, as it is now established by law. And for the further security of the peace of church and state, as it is now established, they do hereby statute and ordain, that where any persons who are tenants, as well in burgh as land, or servants, being delated upon the oath of calumny of the informer, shall be found guilty, or holden as confessed, before any competent judicatory for field conventicles, or for resetting preachers who are, or shall be intercommuned, or declared fugitives, upon a process intented against the said tenants and servants, within three months after committing of the said crimes, that their names, with their sentence, be intimate, by the judge who pronounced the same, under form of the instrument, to the master, if the delinquent be a servant, or to the heritor and landlord, in whose land and house he lives, if he be a tenant or cottar; which master or heritor shall be obliged, within a month after the said intimation, either to pay the delinquent's fine, there being sufficient goods to satisfy the same, by and attour a year's rent to the master, or if he have not sufficient goods, to put him and his family out of his land or house, if he be a tenant or cottar, and if a servant, out of his service, or present him to justice; providing always that the libel, whereupon the foresaid sentence preceeded, be special as to a certain place, where the field conventicle was kept, or thereabout, and also be special as to the time, viz. a certain day of such a week, or one or other of the days of that week. And his majesty, with advice, and consent of his estates of parliament, declares, that in this case, it shall be lawful to heritors to put their tenants out of their lands, or out of their houses possessed by them, at any time of the year, and that without any warning or process of removing, and that notwithstanding of any tacks set to the tenants for years, or terms to run, which in this case, are hereby declared to be void and null; and the masters and heritors, are hereby authorized and allowed to retain as much of the goods and gear belonging to the said tenants, cottars, and servants, as may satisfy and

1681. Many observations might be made upon it. The act begins a little strangely, with a ratification of all acts and laws for securing the church, as now established. Whereas really it was the establishing of prelacy, and the practices of prelates and their underlings with the severe laws, in their favours, they had got made, which these twenty years were the occasion of all the dispeace and disquiet that was in Scotland; for, the further securing of prelacy, called the church and the state, is, for the fashion, thrown in with it. This act statutes, that all tenants and servants, delated upon the informer's oath of calumny, within three months, shall be held as confessed, and guilty of being at field conventicles, or of reset and converse, as more fully in the act. This is a summar way of probation, especially when the informer is to have half of the fine. Another terrible clause is added, to make this of more general influence; after the person is found guilty, the judge is to intimate his name to the landlord or master, who must pay the fine, providing the person found guilty have goods which will pay his rent; and if not, he is to dismiss him presently out of his land and service, with his family, or present him to justice. This makes all heritors and masters, executioners in the crime of field conventicles. It was well there were but few for several years; but this made terrible work as to reset and converse; And, as if all this was not enough, these who afterwards received such, are made liable to pay three years' rent or fee to their master or landlord who dismissed them, and a hundred pounds to the king. The unaccountableness and hardships here are plain, unless a public stigma had been put upon such as were dismissed. By this same act, the fines for field conventicles are all doubled. and burgesses, besides their former fines are to lose their burgesship, and be banished the town. One would think, the former severities for bearing down of the gospel, were sufficient, and more than enough; but evil men wax worse and worse. In the last place, the king, by this act, is empowered to name persons for punishing conventicles, and irregular baptisms and marriages. This is a new handle to the managers to give commissions, and gratify whom they pleased thereby, to uplift the fines. This way, the council's and the bishops' underworkers, in all places of the country, were rewarded, and not a few of them enriched with the spoil of men more righteous than themselves; but an evident curse was in what they got this way.

Their sixth act is anent the test, which made so much noise, and was so great a handle to persecution, that I thought it deserved a section in this chapter, by itself, which I shall come to, if once I had taken a little notice of the fifteenth act of this parliament, against assassinations. The matter of it, in the general, is certainly very good, and nobody can abominate them more than I allow myself to do; but the scope of this act, is to insinuate, many of the now persecuted party maintained this vile principle. Several things have been already noticed for their vindication; and I now add, that the poor people who were driven to the greatest heights at this time, whatever rash threatenings they used, and wrong conclusions they drew from the horrid violence done them, yet many of them, when they came to step into eternity, most solemnly declare themselves against murder and assassination.

This fifteenth act is shut up with a very ample testimonial the parliament are pleased to give to bishop Sharp, who, by his treach-

---

pay the last year's rent due by the tenants, and relieve them of the said fines. And his majesty, with consent foresaid, declares, that if any man shall reset, or entertain any servant, tenant, or cottar, who is so put away, he shall be liable to pay three years' fee to the master who did put him away, and three years' duty to the heritor who put away his tenant or cottar, if the said tenants or cottars, so put away, be reset or harboured by any other heritor, as said is, and shall likewise be liable in one hundred pounds Scots, to be paid to the king. It is also hereby statute and ordained, that the fines imposed by former laws upon field conventicles, shall be doubled, each person being, by this act, finable in twice as much as he was finable by the former laws, except as burgesses of burghs royal, regality and barony, who besides the incurring the same fines for field conventicles, are, for the future, to lose their burgesships and liberties, and to be banished from the town where they lived. And to the end that all the laws against conventicles may be the better put to execution, it is hereby declared, that it shall be lawful to his majesty to nominate sheriff-deputes, justices of peace, or other commissioners for punishing conventicles, and such as are guilty of irregular marriages, baptisms, and invading of ministers.

erous betraying of presbyterians, and violent persecuting them, and no otherwise that I know of, deserved well of the prelatic church, and went very great lengths to advance and carry forward arbitrary power in the state. By a pretty singular step, they appoint weekly searches to be made by the sheriff of Fife, for his assassins, when they were all out of his reach, and ratify all acts of council formerly made against them.

I find no other acts of this parliament which relate to the subject I am upon; unless it be the twenty-sixth act, concerning public debts, whereby, how justly, I leave to lawyers, the debts contracted for the service of the kingdom, when in imminent danger, are all discharged by this parliamentary *spunge*; and yet in such a way, as to tempt those concerned, to swallow down the unlawful oath of the test. They are pleased to except the late duke of Rothes his heirs, because of his eminent services to his majesty.

These acts, and particularly that anent the test, laid a foundation for a new scene of persecution, which I shall consider, if once I had taken some view of the test imposed at this time.

SECT. VI.

Of the imposition of the test, its explications, and the begun persecution upon it this year, 1681.

I HAVE delayed the consideration of the test to this place, as of too great importance to be intermixed with my cursory remarks upon the acts of parliament this year. The imposition of mixed and state oaths, upon the subjects of these nations since the reformation, would afford matter for a very large and black history; and their violent cramming down people's throats, hath had very dismal consequences: but this complex and self-contradictory oath of the test, indeed wants its parallel among all the oaths that ever were forced upon a protestant nation. For many years it became an handle for persecuting, even to the death, great numbers, and some of them of very considerable rank, and oppressing multitudes of noblemen, gentlemen, and others, who could not comply with it. 1681.

Many flaming instances of this we shall meet with in the following years. In this place I am only to give the reader some view of its nature, and the act imposing it, with its after-explications, and the stir it made among the episcopal clergy, and some begun persecution occasioned by it this year.

Upon the last of August, the parliament passed their act anent religion and the test, which I have added below.* The oath

* *Act anent religion and the test, August* 31*st*, 1681.

The which day, our sovereign lord, with his estates of parliament, considering, that albeit by many wholesome laws made by his royal grandfather and father of glorious memory, and by himself, in this and his other parliaments since his happy restoration, the protestant religion is carefully asserted, established and secured against popery and fanaticism; yet the restless adversaries of our religion do not cease to propagate their errors, and to seduce his majesty's subjects from their duty to God, and loyalty to his vicegerent, and to overturn the established religion, by introducing their superstitions and delusions into this church and kingdom; and knowing that nothing can more increase the numbers and confidence of papists and schismatical dissenters from the established church, than the supine neglect of putting in execution the good laws provided against them, together with their hopes to insinuate themselves into offices and places of trust and public employment. Therefore his majesty, from his princely and pious zeal to maintain and preserve the true protestant religion, contained in the confession of faith, recorded in the first parliament of king James VI., which is founded on, and agreeable to the written word of God, doth, with advice and consent of his estates of parliament, require and command all his officers, judges, and magistrates, to put the laws made against popery, and papists, priests, jesuits, and all persons of any other order in the popish church, especially against sayers and hearers of mass, venders and dispersers of forbidden books, and resetters of popish priests, and excommunicate papists; as also, against all fanatic separatists from this national church, against preachers at house or field conventicles, and the resetters and harbourers of preachers who are intercommuned, against disorderly baptisms and marriages, and irregular ordinations, and all other schismatical disorders, to full and vigorous execution, according to the tenor of the respective acts of parliament thereanent provided. And that his majesty's princely care to have these laws put in execution, against those enemies of the protestant religion, may the more clearly appear, he doth, with advice and consent foresaid, statute and ordain, that the ministers of each parish, give up, in October yearly to their respective ordinaries, true and exact lists of all papists, and schismatical withdrawers from the public worship in their respective parishes; which lists are to be subscribed by them, and that the bishops give in a double of the said lists subscribed by them, to

1681. itself, which in the after part of this history, comes under the name of the test, deserves a room here.

The oath to be taken by all persons in public trust.

I solemnly swear, in presence of the eternal God, whom I invocate as judge and witness of my sincere intention in this my oath, that I own and sincerely profess the true protestant religion, contained in the Confession of Faith, recorded in the first parliament of king James VI. and that I believe the same to be founded on and agreeable to the written word of God: and I promise and swear, that I shall adhere thereunto during all the days of my life-time, and shall endeavour to educate my children therein, and shall never consent to any change or alteration

---

the respective sheriffs, stewarts, bailies of royalty and regality, and magistrates of burghs, to the effect the said judges may proceed against them according to law; as also, the sheriffs, and other magistrates foresaid, are hereby ordained to give an account to his majesty's privy council in December yearly, of their proceedings against those papists, and fanatical separatists, as they will be answerable at their highest peril. And that the diligences done by the sheriffs, bailies of regalities, and other magistrates foresaid, may be the better inquired into by the council, the bishops of the respective dioceses are to send exact doubles of the lists of the papists and fanatics to the clerks of privy council, whereby the diligences of the sheriffs, and other judges foresaid, may be comptrolled and examined. And to cut off all hopes from papists and fanatics, of their being employed in offices and places of public trust, it is hereby statute and ordained, that the following oath shall be taken by all persons in offices and places of public trust, civil, ecclesiastical, and military, especially by all members of parliament, and all electors of members of parliament, all privy counsellors, lords of session, members of the exchequer, lords of justiciary, and all other members of these courts, all officers of the crown and state, all archbishops and bishops, and all preachers and ministers of the gospel whatsoever, all persons of this kingdom, named, or to be named commissioners for the borders, all members of the commission for church affairs, all sheriffs, stewarts, bailies of royalties and regalities, justices of the peace, officers of the mint, commissars and their deputes, their clerks and fiscals, all advocates and procurators before any of these courts, all writers to the signet, all public notars, and other persons employed in writing or agenting, the lyon king at arms, heralds, pursuivants, and messengers at arms, all collectors, sub-collectors, and farmers of his majesty's customs and excise, all magistrates, deans of guild, counsellors, and clerks of burghs royal and regality, all deacons of trades, and deacon-conveners in the said burghs, all masters and doctors in universities, colleges, or schools, all chaplains in families, pedagogues to children, and all officers and soldiers in armies, forts, or militia, and all other persons in public trust or office within this kingdom, who shall publicly swear and subscribe the said oath, as follows, *viz.* The archbishops, chief commander of the forces, and officers of the crown and state, and counsellors, before the secret council. All the lords of session, and all members of the college of justice, and others depending upon them, before the session. The lords of justiciary, and those depending upon that court, in the justice court. The lords and other members of exchequer, before the exchequers; all bishops before the archbishops; all the inferior clergy, commissars, masters, and doctors of universities and schools, chaplains and pedagogues, before the bishops of the respective dioceses; sheriffs, stewarts, bailies of royalty and regality, and those depending on these jurisdictions, before these respective courts; and provosts, bailies, and others of the burgh, before the town council; all collectors and farmers of the king's customs and excise, before the exchequer; the commissioners of the borders, before the privy council; all justices of peace, before their convener; and the officers of the mint, before the general of the mint; and the officers of the forces, before the commander in chief, and common soldiers, before their respective officers; the lyon, before the privy council; and heralds, pursuivants, and messengers at arms, before the lyon. And his majesty, with consent foresaid, statutes and ordains, that all those who presently possess or enjoy any of the foresaid offices, public trusts, or employments, shall take and subscribe the following oath, in one of the foresaid offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the registers of the respective courts, and extracts thereof under the clerk's hands, to be reported to his majesty's privy-council, betwixt and the first of March next, one thousand six hundred and eighty-two, and thereafter in any other courts, whereof they are judges or members, the first time they shall sit, or exerce in any of these respective courts; and ordains, that all who shall hereafter be promoted to, or employed in any of the foresaid offices, trusts, or employments, shall at their entry into, and before their exercing thereof, take and subscribe the said oath, in manner foresaid, to be recorded in the registers of the respective courts, and reported to his majesty's privy council, within the space of forty days after their taking the same. And if any shall presume to exercise any of the said offices or employments, or any public office or trust within this kingdom (the king's lawful brother and sons only excepted) until they take the oath foresaid, and subscribe it, to be recorded in the registers of the respective courts, they shall be declared incapable of all public trust thereafter, and be further punished with the loss of their moveables and liferent-escheat, the one half whereof to be given to the informer, and the other half to belong to his majesty. And his majesty, with advice foresaid, recommends to his privy council to see this act put to due and vigorous execution.

contrary thereunto; and that I disown and renounce all such principles, doctrines, or practices, whether popish or fanatical, which are contrary unto, and inconsistent with the said protestant religion, and Confession of Faith: and, for testification of my obedience to my most gracious sovereign Charles II. I do affirm and swear, by this my solemn oath, that the king's majesty is the only supreme governor of this realm, over all persons, and in all causes, as well ecclesiastical as civil; and that no foreign prince, person, pope, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminency, or authority ecclesiastical or civil, within this realm: and therefore, I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities; and do promise, that from henceforth I shall bear faith and true allegiance to the king's majesty, his heirs and lawful successors; and, to my power, shall assist and defend all rights, jurisdictions, prerogatives, privileges, pre-eminencies, and authorities belonging to the king's majesty, his heirs and lawful successors: and I further affirm and swear by this my solemn oath, that I judge it unlawful for subjects, upon pretence of reformation, or any pretence whatsomever, to enter into covenants or leagues, or to convocate, convene or assemble in any councils, conventions, or assemblies, to treat, consult, or determine in any matter of state, civil, or ecclesiastic, without his majesty's special command, or express license had thereunto, or to take up arms against the king, or those commissionate by him; and that I shall never so rise in arms, or enter into such covenants or assemblies, and that there lies no obligation upon me from the national covenant, or the solemn league and covenant (so commonly called) or any other manner of way whatsomever, to endeavour any change or alteration in the government, either in church or state, as it is now established by the laws of this kingdom: and I promise and swear, that I shall, with my utmost power, defend, assist, and maintain his majesty's jurisdiction foresaid, against all deadly; and I shall never decline his majesty's power and jurisdiction, as I shall answer to God. And finally, I affirm and swear, that this my solemn oath is given in the plain genuine sense and meaning of the words, without any equivocation, mental reservation, or any manner of evasion whatsomever; and that I shall not accept or use any dispensation from any creature whatsomever. So help me God." 1681.

Observations upon this oath are almost needless, especially when I shall just now give some of the difficulties that were raised against it. From a cursory view of it, without entering upon the papers now handed about, for and against it, the reader cannot but remark the hardship, in violently pressing such a vastly extensive and complex oath, upon multitudes of poor ignorant country people, who cannot be supposed to know the things affirmed and sworn in it, and running them down even to the death, when they stuck at it, as what, at first view, and to everybody's uptaking, overturned our solemn covenants, and for ever excluded the presbyterian establishment. As an historian, I must further remark, that though at first this oath was only pretended as a test and tie to such who were in, or should come to places of trust and public office, and it may be, was designed so by the parliament; yet, when the duke of York and the managers had once got the edge of it turned from papists, and found that the best of protestants stuck as much at it as they, it was turned to be a general test of loyalty; and everybody were suspected persons, in the eye of the government, who were not willing to take it, except the papists, who were more employed than ever. Thus, vast numbers of gentlemen came to have it put to them, and when they refused it, were fined in sums equivalent to their estates; and no way was allowed to any, except papists, to purge themselves of disaffection, but by taking of this oath; and the doing of that cleared, from all crimes almost, those who had a wide enough throat for it.

Meanwhile the very reading it over may discover it is a medley of popery, prelacy, erastianism, and self-contradiction; and it appears to have been framed, or at least so loaded with amendments, as nobody

1681. might take it. It opened a gap for popery, by renouncing the national covenant, the great bulwark of Scotland, against that wicked idolatry, and obliging the swearers to receive a popish successor. Prelacy is so plainly approven in it, and sworn to, that I need say nothing of this. The supremacy, and the utmost extent of the king's power in all causes, is again and again affirmed and asserted; and the contradiction betwixt the confession sworn to in the entry, and the subsequent branches of the oath, betwixt the maintaining the protestant religion, and the introducing of a papist to the throne, yea, betwixt the king's supremacy and the present establishment of the prelatical church, at least in the opinion of some of the best of its members, hath been many times discovered. It appears further necessarily to involve approbation of, and subjection to the pretended divine, indefeasible, hereditary right of kings, asserted in the late act of parliament, and the lineal succession, which by no statute can be diverted, and the rest of the nonsense formerly mentioned, which is necessarily included in his majesty and his successors' jurisdiction, privileges, &c. It plainly makes the swearer renounce defensive arms, against the greatest oppression a subject can be under, and clearly enough condemns the late glorious revolution, and binds down to an unlimited obedience to all the then iniquitous laws, and obliges the person in no case to decline the king's authority. And after all this, I need not add, that no presbyterian could take it, yea, even such who were of other principles, and had any remaining sentiments of freedom and liberty, justly scrupled at it.

After all, it may be inquired how so many fell in with this imposition; and indeed I can give no account of this unless it be, that many of the branches of this oath had been insensibly and gradually threaded in upon persons in places of trust, by these oaths, declarations, and bonds imposed these twenty years in Scotland; and the whole of the bishops, who ought to have been patterns, gave into it: yea, the iniquity of the times, and impiety of the greater part now in office, was such, that the fear and solemnity of an oath was quite worn off the spirits of many, and the reasonable and just cords of the oath of God upon these nations, being wickedly cast off, it was but righteous, people should be given up to strong delusion, and the belief of lies.

I come now to consider the act imposing this oath, and it may be worth while, before I make remarks upon it, to point at some part of its history, while a passing in the house. When the first act anent religion was read and passed, it appeared very general and insufficient to all members who had any regard to the protestant interest; and, upon the desire of additions, or another act, by severals, the commissioner, in face of parliament, promised, 'that full time and opportunity should be given to bring in any other act which should be found necessary to secure the protestant religion: nevertheless, though many overtures, memorials, and draughts were offered, yet they were never allowed to be read before the lords of the articles, or parliament, but this test act was formed in private, and at length obtruded.

It deserves to be remembered, that this act and oath was brought in and voted in one day, though it was of that extent and importance as required the greatest deliberation. At first, the draught was brought in without the clause relative to the Confession of Faith; but this was pressed with great ardour, and, after some hours' debate, it was got added: many other additions and alterations were moved, but not granted. The earl of Argyle, in reasoning upon the oath, said, "he was of opinion, that as few public oaths should be required as might be, and these as short and clear as possible: he thought a very small addition to the oaths in force these twenty years, might suffice, since it is evident the oath of allegiance, and declaration, had effectually debarred all fanatics from places of trust, all this time. It is true, added he, some papists have swallowed them, but a word or two of addition might likewise hold them out. This same noble member, with warmth, opposed the clause toward the end of the act, excepting the king's sons and brothers, and said, "it was our happiness that king and people were of one religion

by law, and he hoped the parliament would do nothing to loose what was fast, nor open a gap for the royal family to differ in religion; and therefore wished if any exception were made, it might be made particular for his royal highness." But the commissioner rising up, opposed this openly; whereupon the earl concluded with his fears, "that if this exception did pass, it would do more prejudice to the protestant religion, that all the rest of the act, yea, many acts, would do good." Many other speeches were made in parliament, upon this solemn and extraordinary occasion, which I am sorry I can give so little account of. When the members were wearied with reasoning, the half of the house pressed a delay, were it but till next morning, the draught of the act in the clerk's hands being so much blurred, changed, and interlined in the course of the debates, that the far greater part knew not what was in, or what was out of it; but no delay could be granted: whereupon several refused to vote it, among whom were the earl of Argyle, and Sir James Dalrymple president of the session, whom the duke of York blamed for bringing in the clause about the Confession of Faith, with a design to crush the whole.

Remarks upon the act need not be multiplied, since they will fall in with what hath been and may be said upon the oath. It is pity, religion and this test, or trial of it, should be coupled in the title, since every body must own scarce any thing done at this time exposed religion more than this test. In the act, the parliament begins with declaring the laws already made, sufficient to secure the protestant religion against popery, and fanaticism, as presbytery was now most unjustly termed; but they find the growth of both comes from neglecting their execution, and the hopes of papists and fanatics of getting into offices. The execution of the laws was extremely remiss as to papists, who by the managers were encouraged, made sharers of the fines exacted from presbyterians, and employed to persecute them: but I wonder where the remissness can lie against presbyterians, and never heard of their being employed in places of trust, yea, their greatest enemies cannot give one instance; so this pretext is mere sham as to presbyterians; and means were found, after this act was made, to put and keep papists in places of trust. The old Confession of Faith, 1567, is next ratified and sworn to, which contains many articles contrary to the after-clauses of the oath: then they ordain the laws to be executed against papists, of which no care was taken. The thunder is really levelled against fanatics, and these are explained to be preachers at house as well as field conventicles. Resetters of intercommuned persons, and perhaps all nonconformists to prelacy, are pointed at by separatists from this national church: the laws are ordered to be executed against all these, and disorderly baptisms and marriages; and, that none may escape, the enumeration is ended with a general, "all schismatical disorders whatsomever;" and how much is in the belly of this I know not. In order to this, all the curates are ordered to give up lists of papists, and, which they were very willing to do, of all schismatical withdrawers from public worship in their parishes: these are to be given in to the sheriff or other inferior magistrates, that they may proceed against them in the rigour of law, and reports of their diligence are yearly to be sent in to the council. The bishops are likewise to send in lists and accounts to be a check upon the former, and according to which their diligence is to be examined. To hinder papists and fanatics to get into places of trust, the oath of the test is imposed upon all persons in public office; a very particular enumeration of them, and a specifying the diets when they are to take the oath, fills up the rest of the act: and that none may escape, an additional list is made by act 15th, September 17th, which I have added below.* These additions 1681.

* *Additional act anent the test, Sept. 17th*, 1681.

Our sovereign lord and estates of parliament, do hereby statute and ordain, that the test appointed by the sixth act of this parliament, to be taken by all persons in public trust, shall be taken by the admiral-deputes, judges of the high court of admiralty, and all members of that court, and all particular admiral-deputes within the kingdom, the director of the chancellary, and all writers in that office, the writer to, and

1681. seem to be made with a particular eye to elections, and to corrupt deaconries in burghs. Persons now in offices are to take this test, betwixt and the first of January, 1682, and others when they enter upon their offices. No exceptions are made, but the king's lawful brothers and sons; he wanted not unlawful sons in good store, and had but one brother, who, above all, ought to have been obliged to give security for doing nothing against the protestant religion, as being of greater influence for sheltering of papists, than all the persons named; but the oath was principally pointed against presbyterians; and this way there was no real hazard from this exception. The penalties annexed to exercising any office, without taking the test, are incapacity for any public trust for ever, and the loss of their moveables and liferent-escheat; and to encourage the informers, the one half goes to them, and the other to the king.

When the test is thus imposed, I find not many in places of trust who made any difficulty to take it, except the earl of Argyle, and some few of the best of the episcopal clergy. The earl's case will come in upon the following section at full length, and here I shall give a few other instances from the records, and other papers, of some little opposition made to this grievous imposition.

Upon the 22d of September, when the members of council came to take the test, the earl of Queensberry, never much observed before for strictness, stayed out of council till six and twenty members took it, and then came in, and being called upon to take it, declared he was willing to swear it with this explication, "that by that part of the test declaring there lies no obligation on the swearer to endeavour any change or alteration in the government of the church or state, &c. he does not understand himself to be against alterations, in case it should seem good to his majesty to make them in church or in state:" and then took the oath. No body challenged this as treason, though it was as much an explication as that the earl of Argyle offered; but the one was a friend, and the other a foe.

I find a representation made in council, October 6th, that John Hope of Hopetoun, heritable sheriff of the shire of Linlithgow, had some scruples to take the test; whereupon the council, in the terms of the 25th act of the last parliament, declare, 'he hath amitted and tint the said office, and that it is at his majesty's disposal." I do not know what his scruples were, but this declaration was probably in *terrorem*, when upon his scruples he was thus *brevi manu* deprived. That same day the council order intimation to be made to the duchess of Rothes by the earl of Haddington, that she cannot hold any sheriff court, nor any in her name, until she take the test. The parliament, in one of their acts, as we have seen, except the heirs of the duke from some hardships of this nature, yet the council urge this excellent lady, who scarce had a parallel for religion and every good thing in her age, with this oath, as what they knew she would never take, that the offices might fall into the managers' hands.

The earl of Murray had been desired by the council to administer the test, at London, to the duke of Monmouth as a privy counsellor, and bearing other offices in Scotland. The secretary in his return signifies, that he had spoken to the duke of Monmouth and acquainted him of the council's desire; and the duke's answer was, "that the act of parliament did not authorize the privy council to administer the test out of that kingdom, or in any place, but such as are mentioned in the act; and that he being a lover of parliaments would not be the first

---

under-keeper of the privy seal, surveyors, waiters for the king's customs and excise through the kingdom, the king's solicitor, the lyon clerk, and by all such as shall be commissionated to the convention of boroughs, at their first *sederunts* in their courts, and in the said convention; and ordain all captains and other commissionate officers of the train-bands in burghs, and such as have any voice in electing of deacons of trades within burghs, and the clerks to trades, to take the said test before the magistrates of the respective burghs, and the deacons of the said trades respective, before their respective elections. And also ordain all persons who shall be named, commissioners for revaluations, or rectifying valuation of lands, to take the foresaid test, under the pains contained in the said act of parliament: and that all persons who have heritable offices from the king, not mentioned in the foresaid act, shall take the foresaid test, in presence of the lords of exchequer, betwixt and the first of January; wherein if they fail, they shall lose their offices, and casualties thereof, during their lifetime.

breaker of an act of parliament." This very much displeased our managers, and next day, October 21st, the council wrote the following letter to the secretary.

"My lord,

"By your lordship's letter of the 11th instant, we find that his grace the duke of Monmouth pretends, that the council are not empowered by the act of parliament, to require any who live not in this kingdom, to take the test, in which he does most unwarrantably charge the lords of his majesty's privy council with injustice; for the act of parliament, appointing all his majesty's subjects who have any public employment to take the test, it must bind them as well abroad as at home; since wherever they are they are still subjects. And as this is clear from the words; so it is most clear from the design of the act, the same being designed to secure the kingdom against the influence of papists and fanatics; and since either of these may influence places where they have public trust, though themselves be abroad, it is very clear that they should be obliged to take the test, though they be abroad, and if this pretext were allowed, such as are unwilling to take the test, might disappoint the act of parliament by going abroad immediately before the time prefixed for taking thereof. This refusal then from his grace the duke of Monmouth being of so ill example, and it being necessary for his majesty's government to see the acts of that loyal and judicious parliament obeyed with firmness and steadiness; it is our humble opinion that his majesty should name deputes in these offices which the duke of Monmouth possesses until the first of January, at which time if his grace take not the test, he will certainly forfeit these offices, notwithstanding his being forth of the kingdom. We do also desire your lordship, as his majesty's secretary, to require the earl of Sutherland, as sheriff of Sutherland, the earl of Callendar, as sheriff of Stirling, and Sir James Dalrymple of Stair, as heritable bailie of the regality of Glenluce, to take the said test before his grace the duke of Lauderdale, president of the council; and that you will transmit the certificates thereof to your lordship's affectionate friends." Subscribed *ut in cedernt.* 1681.

November 3d, the lord privy seal acquaints the council that the duke of Hamilton had yet scruples upon the test; but was willing that they should name deputes in any jurisdictions belonging to him. The council remit it to their committee, to name fit persons in all his jurisdictions. And November 8th, the council being informed, that Patrick Brown, sheriff-depute of Haddington had refused the test, and demitted his office, do appoint George Halyburton to officiate in the meantime. Even the bishop of Aberdeen seems to have had some scruple about the test; whether it arose from himself or others, I cannot say. It may be he was not willing to take it till he got in some eminent persons of his clergy who for some time made a bustle about it, and we shall afterward meet with him and his synod, putting a sense and explication on the test. The registers November 10th, bear, "The council being informed that the bishop of Aberdeen, who was appointed to administrate the test to the college and commissary there, hath himself demurred to take the same, do empower the earls of Marishal, Errol, and Kintore, or two of them, to administrate it to the college and commissar." That same day the council considering that the sheriff principal of Fife refuseth to take the test, do appoint Mr Alexander Malcom, advocate, sheriff-depute of that shire, till they shall recall his commission. This was not done for some years; and we shall find he was a good instrument under the primate, for fining and other branches of persecution. November 22d, the council find the marquis of Huntley hath refused the test, and thereupon they appoint Alexander Innes of Cockston, bailie of the regality of Spenzie, to act with as full power as ever any had before him in that bailiary. But I do not find they declare the marquis had tint and amitted his bailiary. It was ordinary in the case of papists who held offices and refused the test, to name some of their confidents to their places, who had the name of protestants, and qualified. Meanwhile they still continued to enjoy

1681. all the perquisites and profits of the office; whether this was the case with Cockston, I know not, but it was ordinary enough.

I shall end this account of the persons who at this time demurred upon the test, with a letter from the secretary to the council, dated December 18th, wherein he acquaints them, "that he had made inquiry after the earl of Callendar at London, but could not find him out, and had given over all hopes of seeing him, and can say no more about his taking the test; that he had moved to the king what he had in commission from them about the duke of Monmouth's offices, and his answer was, that the first of January was so near, that there seems no necessity to name deputes to them, but that if betwixt and then he take not the test, he will grant deputation to such as they recommend. And as to the earl of Sutherland he has farmed out his estate and jurisdictions to others for some years, and so is not obliged to take it: and adds, that Sir James Dalrymple of Stair had informed him, that having quitted all his public employments to his son, there was no obligation on him by law to take the test." In this account I have confined myself to the registers. Besides those, several others quit their offices upon this imposition.

Meanwhile the council exert themselves to the utmost, to bring all to comply with the test, and I shall give a short detail of their endeavours this way from their books during this year, and in the following years we shall find a more general and severe pressing of this oath. They begin with casting a copy to others, and September 22d, they sign the test, and resolve that all absent members shall take it before they take their places, and repeat the words on their knees. And September 24th, they recommend it to the earl of Murray, to administrate it to the duke of Lauderdale as president of the council, and desire the duke to administrate it to the duke of Monmouth and him. And at the same time require all the judges, counsellors, and clerks of burghs to take it at elections. And October 26th, they order the magistrates and council of Cupar, Queensferry, and other burghs, to be cited before them for electing without taking it. That same day John Graham post-master, is ordained to take it, and to administer it to all post-masters under him. November 3d, they declare that masters and treasurers of hospitals in Edinburgh, and the treasurer to the college are not obliged to take it: this is upon a representation to the magistrates, that they cannot find other persons fit to fill their place, in case they be turned out for refusing it. November 8th, all masters and doctors of universities in this kingdom, are ordered to take the test before their respective bishops. November 10th, the magistrates of Jedburgh are ordered to take it before the earl of Roxburgh. The town of Selkirk generally refusing the test, are cited in before the council by the committee for public affairs, who have this matter committed to them. The magistrates of Peebles, Renfrew, Dunbar, Dysart, and Kirkcaldy, being recusants, are cited as above, and some of them remitted to privy counsellors. That day the council take a general course, and write to the following persons, lord Montgomery as to the sheriffdom of Renfrew and regality of Paisley, laird of Orbiston for the regality of Kilpatrick, laird of Ardincaple for the regality of Lennox, earl of Dundonald for Kilmarnock, earl of Cassils for the bailiary of Carrick, earl of Annandale for the stewartry of Annandale, the laird of Lochneal for the shire of Wigton, earl of Nithsdale for the stewartry of Kirkcudbright, earl of Tweeddale for the shire of Peebles and regality of Dunfermline, laird of Monrief for the bailiary of St Andrews, Sir William Bruce for the shire of Kinross, lord Torphichen for the regality of Torphichen, earl of Linlithgow for the regality of Ogleface;* and require them to send an account under their hand against the first of December, whether they have taken the test, that they may, in case of refusal, appoint persons for these jurisdictions. November 24th, the earl of Murray is desired to administrate the test to the duke of Lauderdale as governor of

* This was the name of an estate in Stirlingshire belonging to the earl of Linlithgow and Callendar, acquired by the family in 1593.—Wood's Peerage, II. p. 126.—*Ed.*

Edinburgh castle and the Bass, captain of the company in the castle of Edinburgh, sheriff of Haddington, and commissioner of the treasury. Sir George Kinnaird is writ to, immediately to come to Edinburgh and qualify as a privy counsellor. In short, there is very little in the registers for some months but appointments about administrating the test; and where persons in civil offices refuse, others are named in their stead. But the opposition by some of the conformable clergy made yet a far greater noise upon this head. The act anent the test with the oath annexed, was printed separately, and was sufficiently spread, and not a few of the clergy began to raise dust upon this oath: whereupon the bishop of Edinburgh, Mr Paterson,* one of the most violent defenders of it, having himself sworn and subscribed it, among the first of the counsellors, was at the pains to draw up a long explanation of it, especially to satisfy the scruples and objections made against it by his brethren in the clergy. His paper I have not seen, but I find, upon the 21st of October, he presented it to the council, the duke of York being present. It was ordered to be read, but being long, it proved tedious, and a little irksome; and, after reading a part of it, the duke being weary of such papers, interrupted the reading with the English sarcasm, 'the first chapter of John with a stone will chase away a dog:' so there was no more read; but the bishop was allowed to print his paper if he pleased. Whether he did print it, I do not know; but I shall insert here a shorter paper, handed about at this time, as the bishop's, which, it may be hoped, contains the substance of the long paper, and is as follows:— 1681.

The bishop of Edinburgh's sense of the test.

"1mo. That the confession of faith, ratified in the parliament 1567, was formed in the infancy of our reformation, and deserves its own praise; yet, by the test, we do not swear to every proposition or clause therein contained, but only the true Protestant religion, founded upon the word of God, contained in that Confession, as it is opposed to popery and fanaticism.

"2do. That by this test, or any clause therein contained, no invasion or encroachment is intended or made upon the intrinsic spiritual power of the church, as it was exercised by the apostles, and the most pure primitive church, for the three first centuries after Christ, which is still reserved to the church.

"3tio. That this test is without prejudice to the episcopal government of this national church, which is declared by the 1 act, 2 sess. 1 parl. Charles II. to be most agreeable to the word of God, and most suitable to monarchy, and which his majesty (as upon all occasions he hath declared) will inviolably and unalterably preserve and defend."

This sense we shall afterwards find inserted in the council's act, November 3d, which gave it all the authority the authors were capable to give; but it still remained a doubt with many, whether their declaration could alter the plain sense and meaning of words and phrases already fully obvious and plain; and so neither the bishop's large nor short paper gave satisfaction to many of the scruplers. Some indeed were brought over by forcible measures, and persecution. I give but one instance from the records. Mr Andrew Lumsden, minister at Duddingston, November 22d, is libelled before the council, in that not only he hath refused the test, but, within this month or thereby, hath publicly and privately inveighed against it, as unlawful, and contradictory: that in October last or November in a sermon he premeditately applied Jer.

* "John Paterson was translated from the bishopric of Galloway to that of Edinburgh in 1679, by the predominant interest of the dutchess of Lauderdale. In 1687 he was re-translated to the arch-episcopal see of Glasgow, of which he was deprived by the Revolution. He died at Edinburgh 8th December 1708. *Keith's Catalogue.*—The Presbyterian lampoons upbraid him as a profligate and loose liver. See the answer to Presbyterian Eloquence, where there is much ribaldry on this subject. He is said to have kissed his band-strings in the pulpit, in the midst of an eloquent discourse, which was the signal agreed upon betwixt him and a lady to whom he was a suitor, to show he could think upon her charms even whilst engaged in the most solemn duties of his profession. Hence he was nick-named bishop Band-strings." Note by Sir Walter Scott, to Fountainhall's Chronological Notes, p. 5.

1681. xiv. 19, and Matth. vii. 9, to the test, adding, "Yet we have got a stone that is like to break all our teeth, and instead of a fish, we have gotten a serpent to poison us. And say it were a fish, it hath such bones, and so many, as are like to worry us all, which neither we nor our posterity will get digested." Whereby he has depraved and misconstrued his majesty's laws, to the great contempt of his authority. He compeared, and the libel being referred to his oath, he deponed, that by these words he did not mean the test; and the council assoilied him from the libel. But it seems he did not escape so well at his ordinary the bishop of Edinburgh his hand; for, upon his not taking the test, his church is declared vacant. All I know of the matter is, that December 6th, "Mr Lumsden, minister at Duddingston, petitions the council for liberty to take the test from his ordinary the bishop of Edinburgh, when, upon his delay, his church had been declared vacant." And the council are pleased to allow it him, and repone him to his church.

Although these wholesome severities wanted not their effect, yet it must be owned, to the credit of a great many others among the episcopal clergy, that upon this occasion they made the best appearance that ever they did. The ministers of Aberdeen, as if the test had really been as choking to them as the covenant had been to some of the doctors who were before them in that place, and, I am persuaded, upon far better grounds, drew up some arguments, by way of queries, against the test, which deserve a room here.

The ministers of Aberdeen their objections against the test.

"When an oath is of the strictest obligation, and must be taken in judgment, truth, and righteousness; and when conscience is the most tender thing in the world, and not to be constrained, I cannot but inquire, for my satisfaction, anent the present test, and desire to be resolved.

"1mo. How can I swear, that Confession of Faith, recorded par. 1. James VI. to be the true standard of the protestant religion, and the rule of my faith, and sincerely swear it to be founded upon the word of God, and bring up my children in that faith; which in some passages is obscure and doubtful; as chap. iii. where the Confession says, 'that the image of God is utterly defaced in man;' and chap. xix. 'The marks of the true church, the power of expounding the controverted sense of scripture, and the supreme judge of controversies in the church, are dubious and disputable things.' In which some things are contrary to the doctrine of this present church, and all other reformed churches; as chap. xxiii., where the confession denies the ministers of the popish church to be true ministers of Christ; for the reformed churches never re-ordained popish priests, when they turned protestants. Chap. xiv. the Confession denies that to be a true church, where the sacraments are not rightly administrated, where they are not administrated in the elements appointed in the word. Whereas the Christian churches do not unchurch one another, because of the different circumstances in administration, because some use pure wine, and some wine mixed with water; nor did the church baptize such as were not baptized with water. And in which some things are contrary to the test itself, and the sound principles of protestants; as chap. xxv. the Confession enjoins obedience, and paying tribute to rulers, only conditionally, while they travel vigilantly in the execution of their office; and chap. xv. the Confession forbids the resisting of the magistrates, only conditionally, while they pass not over the bounds of their office; and chap xxv. He that resists the power, doing that which pertains to its office, resists the ordinance of God; and chap. of good works, says, it is a good work to bear down tyranny. I think such a confession would learn us religion, as well as the solemn league and covenant.

"2do. How can I swear that I believe the king's majesty to be the only supreme governor over all persons and in all causes? when the forementioned Confession obliges me to believe Jesus Christ to be the only head of the church. And when I believe all ecclesiastic authority to be derived from Christ, and not from secular princes; when

I believe no judge on earth is supreme judge in error or heresy, albeit they can punish the same; and when I believe the king's power to be cumulative, and not destructive of the intrinsic power of the church. I ask therefore, whether the king's supremacy, as it is extended by the act, November 16th, 1669, doth deprive the kirk of her intrinsic power? when the disposal of the external government, in all ecclesiastical matters, persons, or meetings, is put in his majesty's hand, without any restriction, distinction, or limitation, by former laws or customs, all acts, laws, customs, or constitutions, contrary to the said supremacy, being expressly rescinded and annulled, which is to be well marked.

"3tio. If I believe the present established church to be *juris divini et apostolici*, how can I swear that it is in the king's power to alter or change the same? And if it be, in its nature, indifferent, how can I swear to that which the king can alter at his pleasure.

"4to. How can I swear to defend the king's privileges and prerogatives, until I know them, and consider them, if they be consistent with the principles of religion? And if acts of council, founded upon the supremacy, be a just commentary on the king's supremacy, perhaps it will not be found to be consistent with the principles of the Christian church.

"5to. How can I swear, that I judge it unlawful, upon any pretext whatsomever, to enter into leagues and covenants, without the king's express license and consent, when it was lawful enough, in the first days of Christianity, to enter into a covenant with Christ, and a league with one another, though not to cast off the yoke of secular princes, yet to cast off the yoke of paganism, judaism, and idolatry, even contrary to the express commands of the earthly sovereigns. And put the case of avowed and professed popery in the kingdom, (which God forbid) would it be unlawful for subjects, without tumult or force of arms, to shake off the Romish yoke, and to enter into a covenant for that effect? Will not that clause in the test condemn our reformation in Scotland?

"6to. Can I swear sincerely, that I judge it unlawful for subjects to convene in any assemblies, to treat, consult, or determine, in any matter of state, civil or ecclesiastic, when I have no security from the test, or the laws of the land, but that clause may comprehend the assembly and meetings for the worship of God, and the ordinary exercise of discipline? especially when all ecclesiastical meetings are put in the king's hand, by the act, November 16th, 1664, and all acts, clauses, and constitutions, civil and ecclesiastic, to the contrary, rescinded and annulled. Can I condemn it as unlawful to meet or assemble for preaching the gospel, administrating the holy sacraments, or exercising church-discipline, unless I condemn the apostles and primitive Christians, who did meet for such purposes? Again, if the license which we enjoy for meeting for God's worship, and the exercise of discipline, according to our reformed customs, should be, in process of time, recalled, (which God forbid) would it be unlawful for us to assemble with one another, for the said purposes? 1681.

"7mo. Can I swear, there lieth no obligation upon me, any manner of way, to endeavour any change or alteration in the government of the church or state, as it is now established by law? For if there be any corruption in the government, or administration thereof, may I not, if I have opportunity, advertise his majesty, his commissioner, his council, or some of his court? May I not desire quietly what I would have reformed? And though there were no corruptions at present, may not some creep in in process of time, and may not I in the least endeavour to reform these, though I may not in the least endeavour any alteration or change in the government? It must be a perfect constitution that needs no alteration in any of the least circumstances; and yet a change in some circumstances, is a change: yea, the confession prescribed by the test, chap 21. teacheth me, that no policy or order of ceremonies in the church, can be appointed for all ages, places, and times, because what is now convenient may prove burdensome at another time, or in other circumstances. May I not pray to God Almighty to put it into the hearts of men to reform what is amiss? and yet to pray,

1681. is some sort of endeavour. What if the king's power in national synods, by act of parliament, be destructive of the true church-power? What if there be something in the act of restitution of bishops, to be amended?

"8vo. I ask, if there be no more in this test, than in the acts of parliament whereupon it is founded, albeit there be a vast difference betwixt an act of parliament and an oath; and though it be said there is no more in the test nor in former oaths? But in act 8th, parl. king James VI. and in act 4th, parl. 1. Charles II. against convocating and assembling the king's lieges, without his license, there is an express clause put, (but except in ordinary judgments) now this considerable clause is kept out of the test, which should be well marked; for I swear by it, that I judge it unlawful to convene or assemble upon any pretext whatsomever, even though it were to worship God with others. Again, in the declaration, act 5th, sess. 2. parl. 1. Charles II. these words are mentioned, 'There lieth no obligation upon me, from the covenants, to endeavour reformation;' but the test adds 'any manner of way,' may I not be under some obligation, though from neither of the covenants? And though I be under no obligation for the present, may I not be under some afterwards? Again, if there be no more in this test, than in former oaths, how comes it to pass, that the test is imposed upon them who took the declaration and oath of supremacy formerly, and upon ministers who take the oath of supremacy, and canonical obedience at their entry? To all this may be added the evil of imposing and multiplying of oaths."

Not a few of the remarks made upon the confession, are upon such parts of it as speak forth a true sense of liberty in our first reformers, and discover how far they were from that absolute slavery the passive obedience gentlemen since set up for: neither can I say, the ministers who made these objections, were all, in their sentiments opposite to the confession, since these might be very good arguments against the test, though not what they were dissatisfied with in the confession, since they made a fair contradiction in the oath.

Another paper was handed about, which I shall likewise insert here, as containing, besides some of the former arguments, some more reasonings at this time, which may give some light to the history of the test. By whom it was writ, I know not; it may be, it might be penned by some of the episcopal ministers about Edinburgh, who stuck at this oath; but of this I am not certain. Its title is,

Grounds whereupon some conform ministers scruple to take the test.

"1mo. Passing by the danger of oaths, when pressed so generally, men of the least tenderness ordinarily swallow them most easily, and make small conscience of observing them, while these that fear oaths are hardly induced to take them, and by their strict observance, make themselves a prey: we think it strange, that this oath should be enjoined upon us who cannot rationally be expected to incline either to fanaticism or popery; since, by our subscriptions to the oaths of supremacy and canonical obedience, we have sufficiently purged ourselves of the first; and, by confuting popish errors daily in our pulpits, do show an utter abhorrence of the other. And further, since mainly our owning of episcopal government hath begot, and still increases upon the minds of our people, such an aversion from, and dislike of us, we would have expected, that our spiritual fathers would not have exposed us to so great loathing and contempt, by such engagements; which, although it should be granted to be causeless and unjust, yet we should think ourselves bound to eschew it, that our ministry may be the more taking with them, since the thing pressed upon is not so absolutely necessary, nor yet so evident in what is asserted for truth, as may encourage us to underly these prejudices: and finally, since it is known, that the abjuring of the covenant did, in our neighbour kirk, hinder both ministers to conform, and people to join in ordinances dispensed by conformists, and our parliaments have hitherto shown such wise moderation, as to free us from the declaration, we cannot but look upon it as sad and fatal, that our church

should now be dashed upon that rock, which may occasion its splitting.

"2do. As we wish, that for the suppressing the growth of popery, a more particular test had been made use of, even for the discovery of such as are in no public trust; so we cannot but regret, that this test hath been so framed, as to divide the sound sober protestants among themselves, whereby the common adversaries are gratified, and the true faith endangered; we being persuaded that there are many presbyterians in this kingdom, gentlemen, ministers, and others, who cannot in conscience take the test, and yet do daily join, and are ready to join with us in ordinances: we think it had been fitter to have condescended something to such, for gaining of them, than to put such a bond upon them, which may alienate them, and weaken us. That Confession of Faith, recorded in the first parliament, James VI. hath some things in it, which may scar people from swearing to it without limitation; as section 15th, it asserts these to be evil works, which are done not only *contra* but *præter verbum Dei.* Sect. 25th. That these who resist the supreme power, doing that which appertains to its charge, and while he vigilantly travels in his affairs, resists the ordinance of God. Which clause may bear an exclusive sense, especially when in the 15th section, it is reckoned among good works, to suppress tyranny. Sect. II. Jesus Christ is asserted to be the only head and lawgiver of his church, and it is blasphemy for angels or men, to intrude themselves into that state and office. Sect. 19th. One of the sacraments, popish baptism, is denied as to its validity, and popish priests denied to be true ministers. Those expressions, if narrowly scanned, will be found of dangerous consequence, and contradictory to some other propositions in the test itself. We fear our people may look upon us rather like countenancers and encouragers of popery, than suppressors thereof, seeing, by the act, we are obliged to delate yearly, in October, such as withdraw from our ministry, that they may be punished by the civil magistrate, conform to law; yet, in the same, the king's lawful brother and sons, *in perpetuum* are excepted from taking the test, and consequently to be left at liberty to be protestant or papist. 1681. And what bad influence the example may have on inferior people, may be easily apprehended; and our taking the test, will be accounted an approving of that exemption, which will be the more stumbling, that all acts formerly made against papists were made without any such exemption; and all these are declared to be disloyal, who embrace not the reformed religion, particularly set down in the 47th act, parliament 3d, James VI.

"3tio. We are to swear, that no obligation lies on us by the late covenants, or any other way, to endeavour a change of government, &c. where, we suppose, that we are not only to maintain monarchy, but also, as the laws tie us to this present government, and to the present line, in the nearest of kin to this present king, although they should be popish, to which we judge the coronation oath, parliament act 8th, James VI. is contradictory, which yet is a standing unrepealed law, since this current parliament hath ratified and confirmed all acts made in favours of the protestant religion, whereof this is one; so that we swear a contradiction.

"4to. As for the church-government as it is now established by law, there have not been, nor are yet wanting to assert a *jus divinum* in episcopacy; and such could not in conscience take this oath, seeing the king, by virtue of his prerogative and supremacy, is empowered by law, to dispose of the external government and policy of the church, as he pleaseth.

"5to. And as for such who look upon episcopal government as indifferent in itself, notwithstanding the submission they give to it, or have engaged for, they can as little swear on these terms: for why should they swear never to alter that which they judge in itself alterable? And though we have engaged to obey bishops, we ever wished, that they might be settled among us in a way more suitable to the primitive times, viz. that their number might be increased, that they might be allenarly called by the church, and liable to her censure, for their doctrine, life, and diligence; that they might not be such pragmatical med-

1681. dlers in civil affairs, and that synods and presbyteries might have more power than they have by the act of restitution. Now this oath ties us up from seeking a remedy in these things.

"6to. The power given by the present laws to the king, if he should be popish, will be very prejudicial to the protestant interest, since, by act 1st, parliament 2d, Charles II. he may not only dispose of the external government of the church, but emit such acts and orders to ecclesiastical persons and meetings, as he thinks meet. In which case it is easy to divine, what advantage the enemies of our religion will have for the overturning all."

Hoc Ithacus velit, et magno, &c.

Besides those papers, which want not abundance of strength and argument in them, which were much handed about, the bishop and synod of Aberdeen agreed upon a sense, wherein they were willing to take the test, which I have annexed below.*

Likewise the synod and clergy of Perth fixed upon the sense wherein they were willing to take the test, which the reader will find in the note.† No reflections need to be made upon them.

This stir among the clergy which was new and unprecedented in any thing imposed by the state, made the managers about

---

* *Bishop and synod of Aberdeen their sense of the Test.*

We do not hereby swear to all the particular assertions and expressions of the Confession of Faith mentioned in the test, but only to the uniform doctrine of the reformed churches contained therein.

2. We do not hereby prejudge the church's right to, and power of making any alteration in the said Confession, as to the ambiguity and obscure expressions thereof, or of making a more unexceptionable frame.

3. When we swear that the king is supreme governor over all persons, and in all causes, as well ecclesiastic as civil, and when we swear to assert and defend all his majesty's rights and prerogatives, this is reserving always the intrinsic unalterable power of the church immediately derived from Jesus Christ, to wit, the power of the keys, consisting in the preaching of the word, administration of the sacraments, ordaining of pastors, exercise of discipline, and holding of such assemblies as are necessary for preservation of peace and unity, truth and purity in the church; and withal, we do hereby think, that the king has a power to alter the government of the church at his pleasure.

4. When we swear that it is unlawful for subjects to meet or convene, to treat or consult, &c. about matters of state civil or ecclesiastic, this is excepting meetings for ordination, public worship, and discipline, and such meetings as are necessary for the conservation of the church, and true protestant religion.

5. When we swear there lies no obligation on us, &c. to endeavour any change or alteration in government either in church or state, we mean by arms, or any seditious way.

6. When we swear that we take the test in the plain and genuine sense of the words, &c. we understand it only in so far as it does not contradict these exceptions.

† *Bishop of Dunkeld and clergy of Perth, their sense of the Test.*

Because our consciences require the publishing and declaring of that express meaning we have in taking the test, that we be not misinterpreted to swear it in these glosses which men, uncharitable to it, and enemies to us, are apt to put upon it; and because some men ill affected to the government, who are daily broachers of odious and calumnious slanders against our person and ministry, are apt to deduce inferences and conclusions from the alleged ambiguity of some propositions of the test, that we charitably and firmly believe were never intended by the imposers, nor received by the takers; therefore to satisfy our consciences, and to save our credit from these unjust imputations, we expressly declare that we swear the test in this following meaning.

1. By taking the test we do not swear to every proposition and clause contained in the confession of faith, but only to the true protestant religion founded on the word of God, contained in that confession, as it is opposed to popery and fanaticism.

2. By swearing the ecclesiastical supremacy, we swear it as we have done formerly, without any reference to the assertory act. We also reserve entire unto the church, its own intrinsic and unalterable power of the keys as it was exercised by the apostles, and the pure primitive church for the first three centuries.

3. By swearing that it is unlawful to convocate, convene or assemble in any council, conventions or assemblies, to treat, consult, &c. in any matter of state, civil or ecclesiastic, as we do not evacuate our natural liberty, whereby we are in freedom innocently, without reflection upon, or derogating to authority, or persons intrusted with it, to discourse on any occasional meeting of these things; so we exclude not those other meetings which are necessary for the well-being and discipline of the church.

4. By our swearing it unlawful to endeavour any change or alteration in the government either of church or state, we mean, that it is unlawful for us to endeavour the alteration of the specific government of monarchy in the true and lineal descent, and episcopacy.

5. When we swear in the genuine and literal sense, &c. we understand it so far as it is not opposite or contradictory to the foresaid exceptions.

They were allowed to insert, after the oath, before their subscriptions, these words, or to this purpose: we underwritten do take this oath according to the explanation made by the council, approved by his majesty's letter, and we declare we are no further bound by this oath.

Edinburgh begin to reflect a little, and to huddle up a declaration, and act explanatory anent the test, which is just made up of that short paper before insert, said to be drawn by bishop Paterson. I have insert in the notes.* The act is passed by the council, November 3d, and upon the 15th of the same month, the king, by his letter, approves of it upon the desire of the council. His letter follows below.† How far this explication is consistent with the plain and natural meaning of the words, will appear by comparing it with the oath. To an unbiassed person the contrariety of the two will very soon appear. The first article of the explication perfectly overturns the Confession of Faith, and opens a door to papists to take the test, since it declares, that every clause therein is not sworn to; and, no doubt, there are some propositions in the confession, even a papist will make no scruple about. The second and third articles take off the difficulties of the highflying prelatists, but no care is taken of the moderate sort: but after all, this explication 1681

* *Act of council, November 3d, explaining the Test.*

Forasmuch as some have entertained jealousies and prejudices against the oath and test, appointed to be taken by all persons in public trust, civil, ecclesiastic, or military, in this kingdom, by the sixth act of his majesty's third parliament, as if thereby they were to swear to every proposition or clause in the Confession of Faith therein mentioned, or that invasion were made thereby upon the intrinsic spiritual power of the church, or power of the keys, or as if the present episcopal government of this national church by law established, were thereby exposed to the hazard of alteration or subversion; all of which are far from the intention and design of the parliament's imposing this oath, and from the genuine sense and meaning thereof: therefore his royal highness his majesty's high commissioner, and lords of privy council, do allow, authorize, and empower the archbishops and bishops to administer this oath and test to the ministers and clergy in their respective dioceses, in this express sense, that though the Confession of Faith, ratified in parliament, one thousand five hundred sixty and seven, was framed in the infancy of our reformation, and deserves its due praises, yet by the test we do not swear to every proposition or clause therein contained, but only to the true protestant religion, founded on the word of God, contained in that confession, as it is opposed to popery and fanaticism. Secondly. That by the test, or any clause therein contained, no invasion or encroachment is made, or intended upon the intrinsic spiritual power of the church, or power of the keys, as it was exerced by the apostles, and the most pure and primitive church in the first three centuries after Christ, and which is still reserved entirely to the church. Thirdly. That the oath and test is without any prejudice to the episcopal government of this national church, which is declared by the first act of the second session of his majesty's first parliament, to be most agreeable to the word of God, and most suitable to monarchy, and which upon all occasions his majesty hath declared, he will inviolably and unalterably preserve: and appoints the archbishops and bishops to require the ministers in their respective dioceses, with the first conveniency, to obey the law, in swearing and subscribing the foresaid oath and test; with certification, that the refusers shall be esteemed persons disaffected to the protestant religion, and to his majesty's government, and that the punishment appointed by the foresaid sixth act of his majesty's third parliament shall be impartially, and without delay, inflicted upon them. Extracted forth of the records of privy council, by

William Paterson, cl. secr. concilii.

† *King's approbation of it, November 15th, 1681.*

CHARLES R.

Most dear and most entirely beloved brother, right trusty and well beloved cousins and counsellors, right trusty and well beloved counsellors, and trusty and well beloved counsellors, we greet you well. Whereas by one of your letters directed unto us, bearing date the eighth instant, we do find that some having entertained scruples and prejudices against the test, by mistaking the true sense and meaning thereof, and others having put false and unjust glosses and senses upon it, tending to defeat its excellent design for the security of our government; and that upon this account you found it necessary, by an act of that our council (which we have seen) to declare its true and genuine sense, and to allow and empower the bishops to administer the same in this sense to the clergy in their respective dioceses; we are so well pleased with that explanatory act, that we will not delay to send you our cheerful approbation thereof, with our hearty thanks for your zeal in our service upon all occasions, especially in what relates to the security of the persons, rights, interests and privileges of our orthodox clergy, which we do now (as we have often done before) in a particular manner recommend to your care, as a matter wherein you may render unto us the most acceptable services; and therefore we do expect, that you will upon all fit occasions give them all possible encouragement, as these whom we have received, and will constantly shelter under our royal protection, against all their enemies. So we bid you heartily farewell.

Given at our court at Whitehall, the fifteenth day of November, one thousand six hundred eighty and one, and of our reign the thirty third year.

By his majesty's command,

MURRAY.

Directed thus,

To our most dear, and most entirely beloved brother, our right trusty and well beloved cousins and counsellors, our right trusty and well beloved counsellors, and our trusty and well beloved counsellors, James duke of Albany and York, our high commissioner, and the lords of our privy council of our ancient kingdom of Scotland.

1681. not being from the imposers of the oath, it may be well questioned if it was of any weight at all; and even the imposers can never explain away the plain sense and meaning of the words.

Nevertheless the bulk of the episcopal clergy went into this oath very glibly, which evidently discovers what a set of men they were, and none of the bishops I hear of stood out. Indeed several of the best of the inferior clergy would never take it, after all the explications could be given. The reverend Mr George Meldrum, then minister at Aberdeen, abundantly known by his universal usefulness in this church, since the revolution; the learned* and pious Mr Laurence Charters, and many others were of this sort, and left their charges. And some who swallowed this oath, ere they got off the stage, had bitter and sorrowful reflections upon this step. I could name severals; but the instance of the very learned and pious Mr John Menzies, professor of divinity at Aberdeen, so well known by his excellent writings against the papists and quakers, made the greatest noise. He died some time after he had taken the test, of a lingering distemper, and I am told that great man never had any health almost after his complying with this oath; yea, his reflections upon the evil of it, led him up to see the sinfulness of his complying with prelacy, and joining so long in the course of this church's defection from our reformation; and I suppose it will be acceptable to the reader to have this great man's sense of the methods he had been engaged in, which I insert here from a paper before me, writ by the reverend minister to whom he communicated his distress of mind, and whom he ordered to propale and make it known. The person Mr Menzies used freedom with, was the reverend Mr Mitchel minister at Lumphanan, his brother-in-law, who was forced to leave his charge for not taking the test. To him Mr Menzies fully opened his mind, when upon his death-bed, several weeks before his death. The first time he disclosed his trouble, he told him, "that he was much troubled in spirit, and under great perplexities for a course of defection he had been guilty of throughout his life; particularly, that before the restoration he had declined to independency, and espoused some of their principles, which he declared was heavy to him now, since that was his first breach of covenant. But alas! added he, I stopped not there, so dangerous is it to loose the least buckle in the matters of God, for after that I had received a paper from bishop Mitchel, bishop of Aberdeen, and went into all the measures he proposed towards a compliance with episcopacy, I subscribed the paper, as the bishop pressed me, relative to my canonical obedience; and to crown all my defection, I took the test, which is so contrary to the covenant, that notwithstanding all the fair glosses put upon it, I find it now contradictory thereunto. Here he cried out, that it was a heinous aggravation of his sin, that a man of his knowledge and experience should have meddled with contradictory oaths: adding, that he found himself obliged to use this freedom with Mr Mitchel, for the exoneration of his own conscience, and being desirous to leave a testimony in his hands, against his former defections, which he desired him to manage with secrecy and prudence after he was dead." Some days after, he again called Mr Mitchel, and "grievously complained of the heinousness of his sins, and the constant uneasiness of his spirit; adding, that he could get no rest until he took off the former restriction he had laid upon Mr Mitchel, willing him now to make no secret of what he had told him, but to show it to as many as desired to know it, or might be edified by it." However, Mr Mitchel published it not as yet, but to some few friends, in order to their deeper sympathy with his brother under distress. Mr Menzies in his conversation came fre-

* "About 80 of the most learned and pious of their clergy, left all rather than comply with the terms of this law, and these were noted to be the best preachers and the most zealous enemies to popery, that belonged to that church. The bishops treated them with much contempt, and put them to many hardships. Most of them were formed by Charteris, who was always an enemy to tests, that must be signed and sworn by such as are admitted to serve in the church. He had been for some years divinity professor at Edinburgh, where he formed the minds of many of the young clergy, both to an excellent temper, and to a set of very good principles."—Burnet, vol. I. p. 290.—*Ed.*

quently over the scripture, "strait is the gate, and narrow is the way, &c." which, he said, he found now to be true in his sad experience. He declined to communicate his soul trouble to his colleagues in Aberdeen, because, except Mr Meldrum, who by this time had left his charge, they had all taken the test: but he added, they are not so guilty as I, not having taken the covenant before. Neither would he impart his mind to his sons-in-law, or any of his friends, lest they should mistake him, and apprehend he was crazed in his judgment. He further told Mr Mitchel, "that now he had no satisfaction in any of his labours, except those of his younger years, wherein he walked more closely with God, according to his covenant engagements; adding, that then it was he was most sensible of the divine presence with him, but that he trusted to none of his labours, but to the merits of Jesus Christ allenarly." Sometimes in his greatest agonies he expressed his hope of salvation through Christ, subjoining, that he hoped to be saved, but so as by fire, which he himself explained to be with the greatest difficulty. He frequently exhorted those about him by times, to lay salvation to heart before they come to a sick-bed, and gave many other seasonable and savoury advices to such as were with him. And a little before his death, he acknowledged to Mr Mitchel, that "he had too long stuck upon the point of self-reputation, in not disclosing his mind sooner, and in not giving him a fuller freedom to divulge it, than he had done at first: but now he was persuaded firmly, that if he did not deny himself in that and all other points, he could be none of Christ's disciples. And so again gave him full freedom, as above, to impart his sorrowful recantation of the test, and his other defections to whom he pleased." Mr Mitchel desired to know, "in what terms he should impart his sorrow of his taking the test. He answered, he would have him to signify, that he repented of his taking the test, and was grieved therefore, and if it were to do, he would not do it. And this, added he, I declare, with a protestation of my loyalty, and that I do not this from any seditious principle, but only to exoner my conscience." This is the sum of Mr Menzies' conferences with Mr Mitchel, taken off the original copy writ by Mr Mitchel that day when Mr Menzies was interred, which discovers how heavy this self-contradicting test was to this excellent person, when under the views of eternity. I am well informed also, that Mr Menzies, when near his end, declared, he longed for one other opportunity to be in the pulpit of Aberdeen, where, he said, he would openly own the evil of those courses he had been engaged in, and publicly bear his testimony against them; and indeed prelacy, and his conformity to it, was exceeding burdensome to his spirit. However, his passage into eternity was safe, and he wanted not peace in believing, though joy was not his attainment, until he entered to the joy of his Lord, which, no doubt, made his entrance into it doubly sweet to him. This great and good man died at Aberdeen, Friday, February 1st, 1684, and Mr Mitchel, February 4th, wrote the narrative from whence I have given what is above. 1681.

I would reckon it a piece of justice to those good men of the conformist clergy, who suffered upon the account of the test, to insert their names here, but I can only give those of them whom I meet with in the registers, and shall here insert what I meet with as to them this year. Some few others will come in upon the following year; but I know there were many recusants that are not noticed in the registers. November 10th, Mr Robert Eliot minister at Alasuden, and minister at Lumslay, are cited in before the council for dissuading the magistrates of Peebles from taking the test. I find no more about them. They and many others, I suppose, were before the committee of public affairs, of whose proceedings there is no account, but in their reports to the council, which are now but rare. That same day a letter is writ to the earl of Tweeddale, to present a minister to the kirk of Newbottle, in room of Mr Archibald Douglas, who refuses the test, and another to Sir John Clark of Penny-cuik, to present one to the kirk of Penny-cuik, in room of Mr William Hamilton, who refuseth to qualify. December 1st, the council, considering that

1681. there are several aged and infirm ministers, who live at a great distance, or cannot at this season come in to their respective bishops, to take the test, do authorize the bishops to appoint fit persons to administrate it to them; and appoint the moderators of the several presbyteries to administrate the test to the schoolmasters and chaplains, in their respective presbyrial meetings. The dean of the Isles is to assist the bishop in administrating the test to that diocese. At length the council come to free themselves of the trouble of recusant ministers, and roll the matter over upon patrons, by their act December 22d. "His royal highness and the lords of privy council, considering that several ministers do undutifully refuse to swear and subscribe the test, do hereby require the respective patrons of the churches possessed by such ministers, as do or shall refuse to obey the law in taking the test, to present fit and qualified persons to the said churches, immediately after the first of January next to come, as they would testify their good affection to his majesty's government, certifying all such patrons as shall delay to present as aforesaid, that they shall be esteemed persons disaffected to his majesty's service and government, and shall be proceeded against as accords, and appoint the lords, archbishops, and bishops, to intimate these presents to the respective patrons in their dioceses, with the first opportunity."

Thus I have given all the accounts come to my hand, of the episcopal clergy's carriage as to the test, and it was the occasion of a vast deal of trouble to many others. That good and great man and lawyer, president Stair, was obliged, for his refusing it, to retire, and take on a voluntary banishment until the revolution. We shall hear more of him in the following part of this history; and the earl of Argyle's persecution upon this score deserves a room by itself, and I come now to it.

SECT. VII.

Of the trial of the noble earl of Argyle, for his explication of the test; his sentence and escape in December this year.

THE case and trial of the earl of Argyle is already in print, but it is in the hands of so few, and the matter of it relateth so much to the subject of this history, and the sentence now pronounced being afterwards made the sole foundation of the death and martyrdom of this noble lord, an abstract and short state of this affair, with the most important of the papers relative thereunto, will not, I hope, be unacceptable to the reader. This process was perfectly singular and unprecedented; it surprised all sober persons exceedingly, and was evidently pushed on against law and equity by the rancour and pique of the duke of York and his underlings, upon the account of the earl's vigorous and yet cautious appearances for the security of the protestant religion in the event of the accession of a papist to the throne. I may term it an epitome of the righteousness of this period, and a specimen of what protestants are to expect from a popish government. And if such terrible stretches were made against a person of such quality and sense, we may easily believe very little care was taken how the managers dealt with persons of meaner stations.

Before I enter upon the particular account of the earl's trial and trouble at this time, it may not be unfit to observe, that he was not the only person who had difficulties upon the test, as we have seen in the preceding section. It is plain, then, the managers had other views in this severe prosecution raised against him, though his natural and modest declaration as to the test, was the great thing insisted upon. It was now the common method to palliate oppression in civil matters, by open trampling upon conscience. And this excellent person was designed to be a sacrifice to the duke and the papists, and behoved to be taken out of the way as one of the eminent bulwarks of the reformation and the nation's liberty. Indeed no instance in this period does in a more sensible manner expose the tyranny of the administration, and the spite of the managers against the protestant religion, than their usage of this noble peer. He was the representative of one of the most ancient and most potent families in Scotland. In his youth he had done remarkable services to the crown,

against the usurper and his adherents; he had faithfully served the king for twenty years in many of the most remarkable stations in the kingdom; and now, by reason of the offices he held, was comprehended in the test act, but could not swear never to resist or attempt any alteration of the present despotic government, and cruel hierarchy. He was most willing to swear allegiance to the king; and yet for the reasonable and conscientious explication we shall just now hear of, he was found guilty of high treason, his blood tainted, his family declared ignoble, his estate forfeited, his honour extinguished, and himself was condemned to die as a traitor, and did die upon this very score some years after this.

To come more directly to the story of the earl's trial, the reader would know, that upon the first gallant stand, before noticed, which this noble person made in parliament, to the plot he saw forming under the duke of York, against all that could be valuable to Scotsmen, the commissioner gave him an innuendo, by way of threatening, to look to himself. And there was ground for this; evil was designed against the earl, and a storm forming upon the account of his honesty in the parliament. Ere long two bills were given into the lords of the articles, which concerned him pretty nearly. The earl of Errol gave in a claim for a vast sum, for which, as he said, he had been cautioner in favours of the marquis of Argyle. And the advocate, by orders from above, or direction from the duke, gave in the draught of an act for taking from the earl of Argyle his heritable rights of sheriff, and justice general of Argyleshire. Both the bills were invidious, to every body's observation. The marquis of Huntley, equally bound in the foresaid sum with the marquis of Argyle, had got from the estate of Argyle when forfeited, four thousand pounds sterling a year, though he was owing to the family of Argyle five and thirty thousand pounds sterling. And the foresaid heritable rights had been confirmed by authority of parliament 1663, and 1672. When those proposals could not bear reasoning, or almost a hearing by reasonable persons, and no hopes almost could be entertained they would 1681. carry in parliament, the lords of the articles most iniquitously went into the proposal of a committee to be named by parliament, with a parliamentary power to determine what controversies might arise anent any of the earl's rights. This was not only unprecedented, but illegal, and when it was tabled before the parliament, the iniquity and hardship not only to the earl, but all the lieges, was so fully opened, that the duke of York put a stop to the proposal, and pretended it was his unacquaintedness with Scots forms and laws, which made him at all give into it.

After the parliament was up, a design was formed to procure a commission from the king to inquire into the earl's rights, with power to deprive him of his heritable offices, and to burden his estate with more than it was really worth. The earl took pains to inform the duke how unreasonable this was, when the law was open in its ordinary course, and how injurious to him and others a commission of this nature would be; but all he could bring the duke to, was a liberty to go to the country, and bring in his rights and other papers relative to the things in debate. Meanwhile the earl wrote to secretary Murray for liberty to come up to court, and wait upon the king, which was at first most readily granted him; but afterwards, when he came to Edinburgh, he was told, he could not see the king until he took the test, and within a little, that even that would not procure him access. As soon as he came to Glasgow, on his way to Edinburgh, he found himself and president Stair turned out of the session. And when he came into Edinburgh, he was cited by one of the clerks of council, to be present next council day, and to take the test. Upon this the earl went to the duke of York, and complained of this treatment, when the time, appointed by law for taking the test, was not elapsed, affirming, that he had never given any ground to think he was a suspected person. All the answer he got was, he behoved to take it next council-day, November 3d. Meanwhile the earl frequently dealt with the duke upon this

1681. affair, and plainly told him, he was the less fond of that oath, since he found some who refused it were in favour, and others who had taken it were turned out, as the register. He took the liberty to ask, why his swearing that oath was so much pressed by his highness, since there was some things in it the duke did not very much approve of. The duke answered in a passion, that the test was brought in at first without the confession, but the late president (Stair) caused add the confession, which makes it such as no honest man will take it. The earl only replied modestly, that he had the more reason to advise upon it. The bishop of Edinburgh used some pains to bring the earl to swallow the test, and, to clear his way, gave him his paper upon that subject, which had no great weight with him. They parted after the bishop had desired the earl to take a care of an old and noble family, and told him, that his opposing the clause, excepting the king's sons and brothers, had fired the kiln.

After many applications to the duke, the earl waited upon him the 2d of November, and in a very modest manner declined the present taking of the test, and begged that he might accept of his refusal of it in private. This was peremptorily denied; whereupon the earl offered further to consider this matter, and either give satisfaction before the time prescribed by law were elapsed, or go off the country without any noise. But the duke still insisted he should appear to-morrow; and when the earl asked, what advantage his appearing to-morrow, and refusing it, could have to the government or himself, the duke said, he needed not come himself, but employ a friend, and named one to him. This the earl condescended to, as the best he could do in his present circumstances; and to-morrow drew a letter to the person named, warranting him to declare his mind in council, and that he resolved to continue a true protestant and loyal subject, which were the true ends of the test thus violently pressed, and concluded with his delaying at this time to swear. But upon an intimation that this would displease the duke, though it had been his own proposal, his friend would not undertake this work. Whereupon the earl drew another and very short letter, to any who should preside in council that day. When about to have sent this, notice was brought to him, that an explication would be allowed by the council, and the shorter the better; and, as we have heard above, this very day the council passed their act explaining the test, which the king afterward approved of; this certainly to any unbiassed person will make the managers' after-treatment of the earl every way unaccountable. Upon this the earl presently drew up an explication, and being told it was too long, he instantly shortened it: and so cautious was he that he would offer none of them till he had the duke's approbation, lest he might take it ill, and be piqued; neither did he stir out of his chamber, till he was acquainted with the duke's satisfaction. Accordingly a coach was sent for the earl, and he was told that the bishop of Edinburgh had signified to his royal highness, that the earl was willing to take the test, with an explication, and the bishop sent him (the earl) notice that it would be very kindly accepted. Then, and not till then, did this noble person come into the council, and pronounced the following explication to the duke and council with an audible voice. "I have considered the test, and am desirous to give obedience as far as I can. I am confident the parliament never intended to impose contradictory oaths, therefore I think no man can explain it but for himself. Accordingly, I take it in as far as it is consistent with itself, and the protestant religion; and I do declare I mean not to bind up myself in my station, and in a lawful way to wish and endeavour any alteration, I think, to the advantage of the church or state, not repugnant to the protestant religion and my loyalty; and this I understand as a part of my oath." After the earl had thus expressed himself, the test was administrated to him, and he sware it, and the duke with a pleasant countenance and smile, commanded him to take his place at the council-table, and spoke, as appeared, very pleasantly to him all the time the council sat, though some others, who wished him from that board,

appeared dissatisfied, and even in some confusion. That which fell to be before the council, when the earl took his place, was the act explanatory of the test above insert for the benefit of the clergy. In this the earl did not vote, because the reasonings anent it were over before he came in. Since so much afterwards depends upon what followed in council, this day and the following, I shall here insert what stands in the register as to the earl. "November 3d, the earl of Argyle being called in, and having taken and signed the test appointed by the late act of parliament, upon his knees repeating the words, did take his place as a privy counsellor."

To-morrow the earl visited the duke, under the expectations of yesterday's countenance, but others by this time had been with his highness, and now he saw nothing but frowns. The duke told the earl, he was not pleased with his explication; the other replied, he did not give it, till the bishop of Edinburgh gave him notice his highness was satisfied with it. The duke owned this was matter of fact, but he thought it had been a short one like Queensberry's, and added, "Well, it passed with you, but it shall pass so with no other." This the earl understood as an acceptance, and a passing any offence (had there been ground for it) given, and rest satisfied the duke intended to push the matter no further. It is not to be doubted the umbrage and prejudice against the earl did continue, but it would seem the duke did not see footing at present to attack him, until private suggestions were made, and some undertook to extract and forge such crimes from this practice of the earl, as afterwards were advanced. Advocates were consulted whether the earl's words could be stretched out to a treasonable import, and after the ablest lawyers had given their opinion, that what the earl had said would infer no such thing, at length the king's advocate ventured upon an indictment, when he had got the judges secured as to the sentence and event. Upon this the duke's natural enmity against so gallant a pillar of the reformation, began to discover itself, and as is ordinary enough with papists, what was not at first almost projected, came boldly to be ventured upon. However, before the design was fully ripened, the duke more than once, 1681. in conversation with the earl, told him his scruples were unnecessary, and that the test did not bind him up as he imagined, and it was never intended that he or any other should be bound up in those things named in the explication.

That same day, November 4th, the earl is called before the council, as a commissioner of the treasury, again to take the test. I shall not here digress upon the unaccountableness of this practice, which, in my opinion, goes too near a profanation of the holy and terrible name of God, that the same public oath should be repeated for every particular office a person enjoys, whereby the same man may be called ten times in one day, to attest the omniscient God upon the same matter. Indeed I cannot help thinking, that an extract and attestation under the hand of the clerk of the court, where once the oath is taken, might be sufficient in most cases of this nature, without unnecessary, I had almost said vain, repetition of the same oath, I know not how frequently. The earl offered to take the test as before; whereupon a member of the council, who did not use to harangue much there, being prepared as a tool, asked, what was said, and desired what had been said before might be repeated; the earl observing a design upon him, declined repeating, until being vehemently urged by the duke, he answered, he had a note in his pocket of what he had delivered by word of mouth, having committed it to writ to prevent mistakes: this was violently called for by the duke and some others, and was produced and read. Yea, so confident was the earl of his integrity and innocence in the matter, that at the first motion he was ready to have signed it. But the juncto of the new president, who, within a little, is made chancellor, and the new register, with some others, not being ripe to insist upon the signing of it, the earl was removed till the council should consider whether it were needful to sign it; and being called in, he was ordered to do it. The earl upon a little reflection replied, he meant well in it, and saw no reason to question but he might safely sign it; and

1681. if it did as much satisfy the council, as it appeared to do the other day when he emitted it, he would sign it, but if they found the least matter of displeasure in the words he would forbear. Upon which he was again removed, and after they had shaped their project, he was called in, and told he had not given the satisfaction required by the act of parliament, in taking the test, and so could not sit in council; and an innuendo was added, as if the matter drew a little deeper. The earl replied, he conceived the parliament had only excluded refusers from places of trust; and if he were judged a refuser, though the time named by law for taking the test was not yet run out, he submitted, but could not think there was any other danger in the matter, and he had served the king faithfully within doors, and would do it without doors, and, making his obeisance, removed. I shall make no reflections upon the earl's caution and modesty in all this, nor compare it with the illegal and unaccountable procedure of the managers towards him, but narrate plain matter of fact. Accordingly, I insert the minute of this day's procedure, from the registers, "November 4th *a meridie*, resolved that the commissioners of the treasury in town take the test before the council, as being officers of the crown; but that no person hereafter shall be allowed to take the test with any explication, but in the plain sense and meaning expressed by the act of parliament. *Post meridiem*, his royal highness acquainted them that he had called them together, to the effect the commissioners of the treasury might take the test, according to the act of parliament. The earl of Argyle being present, declared he was content to take the test in the sense and meaning he had taken it the day before. And it being answered by the president of the council, that he having delivered himself in so low a voice, some did not hear what he said, and taken it so suddenly, without giving time to those of the council who heard him, to make any answer, he was now desired to explain himself, what the sense and meaning it was in which he did pretend to take the said test. The said earl did thereupon take out of his pocket a paper, and declared he had taken the test yesterday, in the sense and meaning therein expressed, and was content again to take it in that sense and meaning, and not otherwise. Which paper being publicly read, and the said earl owning the same judicially, and declaring he was instantly willing to sign it, and called for pen and ink to do it. The earl being removed, and the council having again read the said paper, thought fit, before they should enter into any further consideration thereof, to appoint the earl to sign it, and did send out two of their number, with one of the clerks to see him do it; who reported that they desired him, but he had desired a further time to deliberate before he should do it. The said earl being called in, was again desired to sign that paper, seeing he had publicly owned the same, and had, before he was removed, offered to do the same, the said earl again owned the said paper, and desired time to advise with his lawyers, before he should sign it. His royal highness and privy council having fully considered that affair, in regard the earl of Argyle owned the foresaid paper, as the sense and meaning in which he did take the test the foregoing day, and repeated the same as a part of his oath, and nevertheless refused to sign the same, did find that the said earl had not satisfied the law in taking the test in the terms, sense, and meaning appointed by act of parliament, but expressly contradictory thereunto, that he ought not to sit and act as a privy counsellor or commissioner of the treasury, and thereupon was ordered to remove. And which paper, being judicially owned by the earl, as said is, was signed by the lord marquis of Montrose preses, by order of council, and ordained to lie in the clerks of council their hand, till further order."

Next morning, November 5th, the earl waited upon the duke, and expressed his surprise, that these things which he had spoken to himself in private more than once, without any offence he could notice, and to the council more publicly, with some appearing satisfaction, should now be made a crime; and asked again, what evil his highness perceived in his words. The duke said only, that the words were unnecessary, and his scruples groundless, and

he was not tied up by the oath, as he imagined; and, after a pause, added, "as I have already told you, you have cheated yourself, you have taken the test." The earl answered, then he hoped his highness was satisfied. Upon this the duke began to complain, that the earl had not voted the council's explication. The reply was as above, that he had not been present at the reasonings which were upon that subject. No doubt the earl had considered that matter of explications fully; but the reason, which plainly offers for his not voting for the council's explication, which he was not bound to give to the duke, was, that the parliament certainly intended, that the Confession should be sworn to, without reserves and explications; and he himself had sworn to it, as all others who took the test before the council's explication. The duke insisted, that the earl could not but fully understand the affair, and added with a frown, that he, with some others, had designed to bring trouble upon a handful of poor catholics, that would live peaceably however they were used, but it should light upon others. This is a good key to explain the council's explanatory act, which was certainly designed not only to gratify the scrupling clergy, but to be a backdoor for papists to come in at. They parted after the duke had laid his commands upon the earl, not to go out of town until he saw him again, which he promised to do.

The earl finding his short explication, though once allowed, was like to be matter of trouble to him, did draw up an explanation of it, which he communicated to some privately, as his sense more enlarged, and designed to have offered it afterwards in public, if there was any occasion for it. This I have insert at the foot of the page.*

But the design against the earl was now formed and ripened. That same night, November 5th, one of the clerks of the council, as he said, by order of council, intimated to him, that it was their pleasure he should not go out of town till next council-day, which was November 8th, when the council, without calling this noble peer before them, sent by one of their clerks, an order to him to enter himself prisoner within the castle of Edinburgh, before next day at twelve of the clock. Joined with this, they sent a warrant to the deputy- 1681.

---

* *Earl of Argyle's explanation of his explication.*

I have delayed hitherto to take the oath, appointed by the parliament to be taken by the first of January next, but now being required near two months sooner to take it, this day peremptorily, or to refuse, I have considered the test, and have seen several objections moved against it, especially by many of the orthodox clergy; notwithstanding whereof, I have endeavoured to satisfy myself with a just explanation, which I here offer, that I may both satisfy my conscience, and obey your highness and your lordships' commands in taking the test; though the act of parliament do not simply command the thing, but only under a certification, which I could easily submit to, if it were with your highness's favour, and might be without offence, but I love not to be singular, and I am very desirous to give obedience in this and every thing as far as I can; and that which clears me is, that I am confident, whatever any man may think or say to the prejudice of this oath, the parliament never intended to impose contradictory oaths; and because their sense (they being the framers and imposers) is the true sense, and that this test enjoined is of no private interpretation, nor are the king's statutes to be interpreted but as they bear, and to the intent they are made; therefore I think no man, that is, no private person, can explain it for another, to amuse or trouble him with it (it may be) mistaken glosses, but every man as he is to take it, so is to explain it for himself, and to endeavour to understand it (notwithstanding all these exceptions) in the parliament, which is its true and genuine sense. I take it therefore, notwithstanding any scruple made by any, as far as it is consistent with itself, and the protestant religion, which is wholly in the parliament's sense, and their true meaning, which (being present) I am sure, was owned by all to be the securing of the protestant religion, founded on the word of God, and contained in the Confession of Faith, recorded James VI. parl. 1. cap. 4. and not out of scruple as if any thing in the test did import the contrary, but to clear myself from all cavils, as if thereby I was bound up further than the true meaning of the oath. I do declare, that, by that part of the test, that there lies no obligation on me, &c. I mean not to bind up myself in my station, and in a lawful way, still disclaiming all unlawful endeavours to wish and endeavour any alteration, I think, according to my conscience, to the advantage of church and state, not repugnant to the protestant religion and my loyalty, I understand no other thing than the words plainly bear, to wit, the duty and allegiance of all loyal subjects, and this explanation I understand as a part, not of the test or act of parliament, but as a qualifying part of my oath that I am to swear, and with it I am willing to take the test, if your royal highness and your lordships allow me; or otherwise, in submission to your highness and the council's pleasure, I am content to be held as a refuser at present.

1681. governor of the castle, to keep him prisoner, wherein the word 'sure firmance,' though once writ fairly, was struck out, and resolve to intent a criminal process. The minute in the council books stands thus. November 8th, "his royal highness and the council, having considered a paper exhibited by the earl of Argyle last council-day, as his sense of the test, and repeated by him as a part of his oath, and finding the same to be a paper of dangerous consequence, reflecting on his majesty's authority and government, and particularly on the late act of parliament enjoining the test, do therefore ordain the earl of Argyle, once before to-morrow at ten of the clock, to enter his person in prison in the castle of Edinburgh, there to remain till his majesty and council give further order. And further, his majesty's advocate is ordered to intent and pursue a process of treason, or such other crimes against the earl of Argyle, as shall be found convenient, upon that paper he represented before the council about the test, and the said process to be pursued before the justices with all convenient speed." At the same time, they write a letter to the king upon this affair, which I insert here.

"November 8th, 1681.

"May it please your majesty,

"The last parliament having made so many and so advantageous acts for securing the protestant religion, the imperial crown of this kingdom, and your majesty's sacred person, (whom God Almighty long preserve) and having for the last, and as the best way for securing all these, appointed a test to be taken by all who should be entrusted with the government, which bears expressly, that the same should be taken in the plain and genuine sense and meaning of the words, we were very careful not to suffer any to take the said oath or test, with their own glosses or explanations; but the earl of Argyle having, after some delays, come to council to take the said oath, as a privy counsellor, spoke some things which were not then heard nor adverted to, his lordship, at his next offering to take it in council, as one of the commissioners of your majesty's treasury, was commanded to take it simply; he refused to do so, but gave in a paper showing the only sense in which he would take it; which paper we all considered as that which had in it gross and scandalous reflections upon that excellent act of parliament, making it to contain things contradictory and inconsistent, and thereby depraving your majesty's laws, misrepresenting your parliament, and teaching your subjects to evacuate and disappoint all laws and securities that can be enacted for the preservation of the government, suitable to which his lordship declares in that paper, that he means not to bind up himself from making any alterations he shall think fit, for the advantage of church or state: and which paper, he desires, may be looked upon as a part of his oath, as if he were the legislature, and able to add a part to the act of parliament. Upon serious perusal of which paper, we find ourselves obliged to send the said earl to the castle of Edinburgh, and to transmit the paper to your sacred majesty, being expressly obliged to both these by your majesty's express laws; and we have commanded your majesty's advocate to raise a pursuit against the said earl, for being author of, and having given in the said paper; and, for the further prosecution of all relating to this affair, we expect your majesty's commands, which shall be most humbly and faithfully obeyed by

"Your majesty's most humble, most faithful, and most obedient subjects and servants,

"Glencairn,	Jo. Edinburgen,
Winton,	Ross,
Linlithgow,	Geo. Gordon,
Perth,	Ch. Maitland,
Roxburgh,	Geo. Mackenzie,
Ancrum,	M. Raithland,
Airly,	Jam. Fowlis,
Livingstone,	Drummond."

Reflections upon it are needless, after the above deduction of matter of fact. It may be of more use to observe, that they order the prosecution to be begun against the earl, as we have seen, before they have any allowance from the king; so that this illegal and unaccountable process came entirely from the duke of York and the managers at Edinburgh; and that very same day, by a letter to the earl of Murray, they

ask the king's approbation to the explication of the test, of which above, according to which the clergy were allowed, before their signing the test, to insert these words, "We underwritten do take this oath according to the explication made by the council, and declare we are no further bound by this oath;" and yet the earl is processed for declaring the sense in which he takes it. November 22d, the king's letter, dated November 15th, is read, approving their procedure against the earl, only he requireth them to acquaint him before they come to a sentence. The council's order was obeyed by the earl, who entered the castle within the time prefixed, and thence he wrote a letter to the duke, "signifying his obedience, though such a punishment appeared to him the effect of high displeasure, which he hoped he had not deserved, adding, that he resolved to continue in all duty, and begging to know what satisfaction was expected." The earl was informed that his letter was kindly received, yet he had no answer. Yea, before the council could have a return to what they wrote to the king, the earl had summons sent him, to answer a charge of leasing-making, and depraving the king's laws; yet, under all this, such was the baseness of his persecutors, that they pretended, yea, one of the club came and told him, nothing was intended but to take his heritable offices from him; and when the duke of York was told by some, that this was hard measure, upon such a foot to threaten such a person with a forfeiture of life and fortune, he answered, "Life and fortune, God forbid!" Whether he was yet in the secret, or that he dissembled, as papists may do by their religion, I shall not determine.

When the king's letter came to hand, the managers, as I have observed, made larger steps. Formerly they had given commission to the advocate to form an indictment of slander, leasing-making, and depravation of the laws; now they appoint him to give him another, upon treason and perjury, not exclusive of the former, to which he was to answer before the criminal court, December 12th. A copy of which the reader will desire to see, and I have inserted it.* 1681.

Upon the 22d of November, a petition was presented by the earl, that he might

---

* *Indictment against the Earl of Argyle.*

Archibald earl of Argyle,

You are indicted and accused, that albeit, by the common law of all well governed nations, and by the *municipal* laws and acts of parliament of this kingdom, and particularly by the 21 and by the 43 act, par. 2. Jam. I. and by the 83 act, par. 6. Jam. V. and by the 34 act, par. 8. Jam. VI. and the 134 act, Par. 8. Jam. VI. and the 205 act, par. 14. Jam. VI. all leasing makers, and tellers of them, are punishable with tinsel of life and goods; likeas, by the 107 act, par. 7. Jam. I. it is statuted, that no man interpret the king's statutes, otherwise than the statute bears, and to the intent and effect that they were made for, and as the makers of them understood, and whoso does in the contrary, to be punished at the king's will. And by the 10 act. par. 10. Jam. VI. it is statuted, that none of his majesty's subjects presume to take upon him publicly to declare, or privately to speak or write any purpose of reproach or slander of his majesty's person, estate, or government, or to deprave his laws or acts of parliament, or misconstrue his proceedings, whereby any mistaking may be moved betwixt his highness, his nobility and loving subjects, in time coming, under pain of death, certifying them that do in the contrary, they shall be reputed as seditious and wicked instruments, enemies to his highness, and to the commonwealth of this realm, and the said pain of death shall be executed against them with all rigour, to the example of others. And by the 2 act. sess. 2. par. 1. Char. II. it is statuted, that whosoever shall, by writing, libelling, remonstrating, express, publish, or declare any words or sentences, to stir up the people to the dislike of his majesty's prerogative and supremacy, in causes ecclesiastic, or of the government of the church by archbishops and bishops, as it is now settled by law, is under the pain of being declared incapable to exercise any office, civil, ecclesiastic, or military, within this kingdom, in any time coming. Likeas, by the fundamental laws of this nation, by the 130 act, parl. 8. Jam. VI. it is declared, that none of his majesty's subjects presume to impugn the dignity or authority of the three estates, or to procure innovation or diminution of their power and authority under the pain of treason; and that it is much more treason in any of his majesty's subjects, to presume to alter laws already made, or to make new laws, or to add any part to any law, by their own authority, that being to assume the legislative power to themselves, with his majesty's highest and most incommunicable prerogative: yet true it is, that albeit his sacred majesty did not only bestow on the said Archibald earl of Argyle, those vast lands, jurisdictions, and superiorities, justly forfeited to his majesty by the crimes of your deceased father, preferring your family to those who had served his majesty against it in the late rebellion, but also pardoned and remitted to you the crimes of leasing making and misconstruing his majesty's and his parliament's proceedings against the very laws above-

have sir George Lockhart, who was
1681. his ordinary doer and advocate, allowed and warranted by the council to plead for him before the justiciary; which reasonable petition they saw good to refuse. Upon the 24th, the earl caused present another petition, insisting, that the council might oblige Sir George to plead for him, according as is provided in like cases, by act 38. parl. 11. James VI. This a second time they refused, though it was every way according to standing law. Whereupon the earl, by an instrument, required Sir George to plead for him, not that the gentleman was unwilling, but to secure him the more in law. The earl's case was so very plain, that eight or nine advocates, Sir George Lockhart, Sir John Dalrymple, Mr (afterwards Sir) James Stuart, and several others, the most eminent gentlemen of the long robe in their time, gave their opinion in his favours, which, because it is but short, I insert here.

Opinion of divers lawyers concerning the case of the earl of Argyle, December 5th, 1681.

"We have considered the criminal letters,

written, whereof you were found guilty, and condemned to die therefore, by the high court of parliament the 25th of August, 1662, and raised you to the title and dignity of an earl, and being a member of all his majesty's judicatures. Notwithstanding of all these, and many other favours, you the said Archibald earl of Argyle, being put by the lords of his majesty's privy council to take the test, appointed, by the act of the last parliament, to be taken by all persons in public trust, you, instead of taking the said test, and swearing the same in the plain genuine sense and meaning of the words, without any equivocation, mental reservation, or evasion whatsoever, you did declare against, and defame the said act; and having, to the end you might corrupt others by your pernicious sense, drawn the same in a libel, of which libel you dispersed and gave abroad copies, whereby ill impressions were given of the king and parliament's proceedings, at a time especially, when his majesty's subjects were expecting what submission should be given to the said test; and being desired the next day to take the same, as one of the commissioners of his majesty's treasury, you did give in to the lords of his majesty's privy council, and owned twice, in plain judgment before them, the said defamatory libel against the said test, and act of parliament, declaring that you had considered the said test, and was desirous to give obedience as far as you could, whereby you clearly insinuated, that you was not able to give full obedience. In the second article of which libel you declare, that you were confident the parliament never intended to impose contradictory oaths, thereby to amuse the people with a belief, that the parliament had been so impious, as really and actually to have imposed contradictory oaths, and so ridiculous as to have made an act of parliament (which should be most deliberate of all human actions) quite contrary to their own intentions; after which you subsumed contrary to the nature of all oaths, and to the acts of parliament above cited, that every man must explain it for himself, and take it in his own sense, by which, not only that excellent law, and the oath therein specified, which is intended to be a fence to the government, both of church and state, but all other oaths and laws shall be rendered altogether useless to the government. If every man take the oaths imposed by law in his own sense, then the oath imposed is to no purpose; for the legislature cannot be sure, that the oath imposed by them will bind the takers according to the design and intent for which they appointed it, and the legislative power is taken from the imposers, and settled in the taker of the oath, and so he is allowed to be the legislator, which is not only an open and violent depraving of his majesty's laws and acts of parliament, but is likewise a settling of the legislative power on private subjects, who are to take such oaths. In the third article of that paper you declare, that you take the test, in so far only as it is consistent with itself and the protestant religion, by which you maliciously intimate to the people, that the said oath is inconsistent with itself, and with the protestant religion, which is not only a downright depraving of the said act of parliament, but is likewise a misconstruing of his majesty's and the parliament's proceedings, and misrepresenting them to the people in the highest degree, and in the tenderest points they can be concerned, and implying, that the king and parliament have done things inconsistent with the protestant religion, for securing of which that test was particularly intended. In the fourth article you do expressly declare, that you mean not, by taking the said test, to bind up yourself from wishing and endeavouring any alteration in a lawful way that you shall think fit for advancing of church and state, whereby also it was designed by the said act of parliament and oath, that no man should make any alteration in the government of church and state, as it is now established; and that it is the duty of all subjects, in humble and quiet manner, to obey the present government. Yet you not only declare yourself, but, by your example, you invite others, to think themselves loosed from that obligation, and that it is free for them to make any alteration in either, as they shall think fit, concluding your whole paper with these words, 'and this I understand as a part of my oath' which is a treasonable invasion upon the royal legislative power, as if it were lawful for you to make to yourself an act of parliament, since he who can make any part of an act, may make the whole, the power and authority in both being the same. Of the which crimes abovementioned you, the said Archibald earl of Argyle, are actor, art and part, which being found by the assize, you ought to be punished with the pains of death, forfeiture and escheat of lands and goods, to the terror of others to commit the like hereafter.

raised at the instance of his majesty's advocate, with the acts of parliament contained and narrated in the said criminal letters, and have compared the same with a paper or explication, which is libelled to have been given in by the earl to the lords of his majesty's privy council, and owned by him, as the sense and explication in which he did take the oath imposed by the late act of parliament; which paper is of this tenor, "I have considered the test, and am very desirous, &c." (as above inserted) and having likewise considered, that the earl, after he had taken the oath, with the explication and sense then put upon it, it was acquiesced to by the lords of privy council, and he allowed to take his place, and to sit and vote; and that before the earl's taking the oath, there were several papers spread abroad, containing objections, and alleging inconsistencies and contradictions in the oath; and some thereof were presented by synods and presbyteries of the orthodox clergy, to some of the bishops of the church: it is our humble opinion, that seeing the earl's design and meaning in offering the said explication, was allenarly for the clearing of his own conscience, and upon no factious or seditious design, and that the matter and import of the said paper is no contradiction of the laws and acts of parliament, it doth not at all import any of the crimes libelled against him, viz. treason, leasing-making, depraving his majesty's laws, or the crime of perjury; but that the glosses and inferences put by the libel upon the said paper, are altogether strained and unwarrantable, and inconsistent with the earl's true design, and the sincerity of his meaning and intention, in making the said explication."

This was taken so heinously ill by the council, that the earl of Athole, president, and lord Collington, with some others, were appointed to examine how far that paper might import scandal against the government, and deserve a prosecution of the signers.

December 12th, being the day of the earl's compearance before the justiciary, the lords being assembled, the earl was brought from the castle, under a guard, and set in the pannel. The court was made up of the earl of Queensberry, justice-general, lords Nairn, Collington, Forret, Newton and Kirkhouse. The advocate produced his commission to prosecute the earl, which he said he would manage with the greatest moderation of spirit imaginable. How he kept his word all present were witnesses. Then the indictment was read; whereupon the earl made a very affecting speech in his own vindication, wherein he gives a short narrative of his life and loyalty. This I have added below.* Having ended, he 1681.

* *Earl of Argyle's speech after his Indictment.*

My lord justice-general, &c.

I look upon it as the undeniable privilege of the meanest subject, to explain his own words in the most benign sense; and even when persons are under an ill character, the misconstruction of words in themselves not ill, can only reach a presumption or aggravation, but not any more. But it is strange to allege, as well as, I hope, impossible to make any that know me believe, that I could intend any thing but what was honest and honourable, suitable to the principles of my religion and loyalty, though I did not explain myself at all.

My lord,—I pray you be not offended that I take up a little of your time, to tell you, I have from my youth made it my business to serve his majesty faithfully, and have constantly, to my power, appeared in his service, especially in all times of difficulty, and have never joined, nor complied with any interest or party, contrary to his majesty's authority, and have all along served him in his own way, without a frown from his majesty these thirty years. As soon as I passed the schools and colleges, I went to travel to France and Italy, and was abroad 1647, 1648, and till the end of 1649. My first appearance in the world was to serve his majesty as colonel in his foot-guards, and though, at that time, all the commissions were given by the then parliament, yet I would not serve without a commission from his majesty, which I have still the honour to have by me. After the misfortune at Worcester, I continued in arms for his majesty's service, when Scotland was over-run with the usurpers, and was alone, with some of my friends, in arms in the year 1652, and did then keep up some appearance of opposition to them; and general major Dean coming to Argyleshire, and planting several garrisons, he no sooner went away, but we fell upon the garrisons he had left, and, in one day, took two of them, and cut off a considerable part of a third, and carried away in all about three hundred prisoners. And in the end of that year I sent captain Shaw to his majesty, with my humble opinion how the war might be carried on, who returned to me with instructions and orders, which I have yet lying by me. After which I joined with those his majesty did commissionate, and stood out till the last, that the earl of Middleton, his majesty's lieutenant-general, gave me orders to capitulate, which I did without any other engagements to the rebels, but allowing persons to give bail for my living peaceably, and did, at my capitulating, relieve several prisoners by exchange, whereof

gave in to the court several letters
1681. for his own vindication, and to manifest his untainted loyalty. One of them was from the king, all writ by his own hand, wherein his majesty declared his full confidence in the said earl, and his obligations to him; and another from the earl of Middleton, containing the deep sense the

my lord Granard, out of the castle of Edinburgh, was one. It is notourly known, that I was forfeited by the usurpers, who were so jealous of me, that, contrary to their faith, within eight months after my capitulation, upon pretence I kept horses above the value, they seized on me, and kept me in one prison after another, till his majesty's happy restoration, and this only because I would not engage not to serve his majesty, though there was no oath required.

I do with all gratitude acknowledge his majesty's goodness, bounty, and royal favour to me, when I was pursued before the parliament in the year 1662. His majesty was graciously pleased not to send me there in any opprobrious way, but upon a bare verbal parole, upon which I came down post, and presented myself a fortnight before the day. Notwithstanding whereof I was immediately clapt up in the castle, but having satisfied his majesty at that time, of my entire loyalty, I did not offer to plead by advocates; and his majesty was not only pleased to pardon my life, and to restore me to a title and fortune, but to put me in trust in his service in the most eminent judicatories of this kingdom, and to heap favours upon me far beyond whatever I did, or can deserve, though I hope his majesty hath always found me faithful and thankful, and ready to bestow all I have, or can have, for his service; and I hope never hath, had, or shall have ground to repent any favour he hath done me. And if I were now really guilty of the crimes libelled, I should think myself a great villain.

The next occasion I had to show my particular zeal to his majesty's service was in anno 1666, when the insurrection was made, that was repressed at Pentland hills. At the very first the intercourse betwixt this place and me was stopped, so that I had neither intelligence nor orders from the council, nor from the general, but upon a letter from the now archbishop of St Andrews, telling me there was a rebellion like to be in the three kingdoms, and bidding me beware of Ireland and Kintyre, I brought together about two thousand men. I seized all the gentlemen in Kintyre, that had not taken the declaration, though I found them peaceable. And I sent a gentleman to general Dalziel to receive his orders, who came to him just as they were going to the action at Pentland, and was with him in it, and I kept my men together till his return. And when I met with considerable trouble from my neighbours, rebelliously in arms, and had commissions both on public and private accounts, have I not carried dutiful to his majesty, and done what was commanded, with a just moderation, which I can prove under the hands of mine enemies, and by many infallible *demonstrations*? Pardon me a few words. Did I not, in this present parliament, show my readiness to serve his majesty and the royal family, in asserting vigorously the lineal legal succession of the crown, and had a care to have it expressed in the commissions of the shires and burghs I had interest in? Was I not for offering proper supplies to his majesty and his successor? And did I not concur to bind the landlords for their tenants, although I was mainly concerned? And have I not always kept my tenants in obedience to his majesty?

I say all this, not to arrogate any thing for doing what was my honour and duty to his majesty; but if, after all this, upon no other grounds, but upon words that were spoken in absolute innocence, and without the least design, except for clearing my own conscience, and that are not capable of the ill sense wrested from them by the libel, I should be further troubled, what assurance can any of the greatest quality, trust, or innocence have that they are secure? especially considering that so many scruples have been started, as all know, not only by many of the orthodox clergy, but by whole presbyteries, synods, and some bishops, which were thought so considerable, that an eminent bishop took the pains to write a treatise, that was read over in council, and allowed to be printed, and a copy given to me, which contains all the expressions I am charged for, and many more that may be stretched to a worse sense.

Have I not showed my zeal to all the *ends* of the test? how then can it be imagined, that I have any sinister design in any thing that I have said? If I had done any thing contrary to it all the course of my life, which I hope shall not be found, yet one act might pretend to be excused by a habit; but nothing being questioned but the sense of words misconstrued to the greatest height, and stretched to imaginary insinuations, quite contrary to my scope and design, and so far contrary, not only to my sense, but my principles, interest, and duty, that I hope my lord advocate will think he hath gone too far on in his process, and say plainly, what he knows to be truth, by his acquaintance with me, both in public and private, *viz.* that I am neither papist nor fanatic, but truly loyal in my principles and practices. The hearing of this libel would trouble me beyond most of the sufferings of my life, if my innocence did not support me, and the hopes of being vindicated of this and other calumnies before this public and noble auditory.

I leave my defences to these gentlemen that plead for me, they know my innocence, and how groundless that libel is. I shall only say, as my life hath most of it been spent in serving and suffering for his majesty, so, whatever be the event of this process, I resolve, while I breathe, to be loyal and faithful to his majesty. And whether I live publicly or in obscurity, my head, my heart, nor my hand shall never be wanting where I can be useful to his majesty's service, and while I live, and when I die, I shall pray, that God Almighty would bless his majesty with a long, happy, and prosperous reign; and that the lineal legal successors of the crown, may continue monarchs of all his majesty's dominions, and be defenders of the true primitive, Christian, apostolic, catholic, protestant religion, while sun and moon endure.

(God save the King.)

king resolved still to maintain of his singular services, when at his lowest. The earl craved that they might be read, and recorded in process; the first was granted, but not the other. All these made little or no impression now; and, as hath been formerly noticed, gratitude was none of the virtues that could prevail, when a spirit of popery and persecution was raging. To the earl Sir George Lockhart succeeded, and pleaded the irrelevancy of the libel, with a great deal of force and plainness, during almost three hours' time, alleging, that it was plainly impossible, that a man's exonerating his own conscience could make leasing-making, or that his declared private meaning could give laws to others, or come under the statute against private men's making laws to beget a misunderstanding betwixt king and subjects. These reasonings are so pointed, that though the paper be a little long, it certainly deserves a room.*

The king's advocate answered Sir George's defences at a good length, 1681. which, that the reader may have both sides

---

* *Sir George Lockhart's plea for the earl of Argyle.*

Sir George Lockhart, for the earl of Argyle, allegeth, that the libel is not relevant, and whereupon he ought to be put to the knowledge of an inquest, for, it is alleged in the general, that all criminal libels, whereupon any person's life, estate, and reputation can be drawn in question, should be founded upon clear, positive, and express acts of parliament, and the matter of fact, which is libelled to be the contravention of those laws, should be plain, clear, and direct contraventions of the same, and not argued by way of implications and inferences; whereas in this case, neither the acts of parliament founded upon and libelled, can in the least be the foundation of this libel: nor is the explication which is pretended to be made by the pannel, at the time of the taking of his oath, (if considered) any contravention of those laws; which being premised, and the pannel denying the libel, as to the whole articles and points therein contained, it is alleged in special:

That the libel, in so far as it is founded upon the 21 chap. stat. 1. Robert I., and upon 83 act, parl. 6. James V. the 43 act, parl. 2. James I. and upon the 83 act, parl. 10. James V. and upon 84 act, parl. 8. James VI. and upon the 10 act, parl. 10. James VI. and upon the 2 act, parl. 1, sess. 2. of his sacred majesty, and inferring thereupon, that the pannel, by the pretended explication, given in by him to the lords of his majesty's privy council, as the sense of the oath he had taken, doth commit the crime of leasing-making, and depraving his majesty's laws: the inference and subsumption is most unwarrantable, and the pannel, though any such thing were acknowledged or proved, can never be found guilty of contravening these acts of parliament, in respect it is evident, upon perusal and consideration of these acts of parliament, that they only concern the cause of leasing-making, tending to sedition, and to beget discord betwixt his majesty and his subjects, and the dislike of his majesty's government, and the reproach of the same. And the said laws and acts of parliament were never understood or libelled upon in any other sense; and all the former acts of parliament which relate to the crime of leasing-making in general terms, and under the qualification foresaid, as tending to beget discord betwixt his majesty and his subjects, are explained and fully declared, as to what is the true meaning and import thereof, by the 134 act, parl. 8. James VI., which relates to the same crime of leasing-making, and which is expressly described in these terms, to be wicked and licentious, public and private speeches, and untrue calumnies, to the disdain and contempt of his majesty's council and proceedings, and to the dishonour and prejudice of his highness and his estate, stirring up his highness's subjects to misliking and sedition, and unquietness; which being the true sense and import of the acts of parliament made against leasing-makers, there is nothing can be inferred from the pannel's alleged explication, which can be wrested or construed to be a contravention of these laws: in respect,

1st. It is known by the whole tenor of his life, and graciously acknowledged by his sacred majesty, by a letter under his royal hand, that the pannel did ever most zealously, vigorously, and faithfully promote and carry on his majesty's service and interest, even in the worst *and most* difficult times; which is also acknowledged by a pass under the earl of Middleton's hand, who had then a special commission from his majesty, for carrying on his majesty's service in this kingdom, as lieutenant-general under his majesty; and by a letter under the earl's hand, of the date, both which do contain high expressions of the pannel's loyalty, and of the great services he had performed for his majesty's interest; and his majesty, as being conscious thereof, and perfectly knowing the pannel's loyalty, and his zeal and faithfulness for his service, did think fit to entrust the pannel in offices and capacities of the greatest trust in the kingdom: and it is a just and rational presumption, which all laws make and infer, that the words and expressions of persons, who, by the tenor and course of their lives, have expressed their duty and loyalty to his majesty's interest, are ever to be interpreted and understood *in meliorem partem;* and, by way of implication and inference, to conclude and infer crimes from the same, which the user of such words and expressions never meaned or designed, is both unreasonable and unjust.

2. As the foresaid acts of parliament made against leasing-makers and depravers of his majesty's laws, only proceed in the terms aforesaid, where the words and speeches are plain, tending to beget discord between the king and his subjects, and to the reproach and dislike of his government, and when the same are spoke and vented in a subdolous, pernicious, and fraudulent manner, so they never were, nor can be understood to proceed in the case of a person,

1681. of the debate, I have inserted.† But all intelligent persons did reckon, that sir George's defences remained very much in their strength, after all the advo-

offering, in the presence of a public judicature, (whereof he had the honour to be a member) his sincere and plain meaning and apprehension of what he conceived to be the true sense of the act of parliament imposing and enjoining the test; there being nothing more opposite to the acts of parliament made against leasing-making, and venting and spreading abroad the same upon seditious designs, than the foresaid plain and open declaration of his sense and apprehension, what was the meaning of the said act of parliament: and it is of no import to infer any crime, and much less any of the crimes libelled, albeit the pannel had erred and mistaken in his apprehension of the act of parliament. And it were a strange extension of the act of parliament made against leasing-makers, requiring the qualifications foresaid, and the acts against depraving his majesty's laws, to make the pannel or any other person guilty, upon the mistakes and misapprehensions of the sense of the laws, wherein men may mistake and differ very much, and even eminent lawyers and judges; so that the acts of parliament against leasing-making, and depraving his majesty's laws, can only be understood in the express terms and qualifications foresaid. Likeas, it neither is libelled, nor can be proven, that the pannel before he was called and required by the lords of his majesty's privy council to take the oath, did ever, by word or practice, use any reproachful speeches of the said act of parliament, or of his majesty's government; but being required to take the oath, he did humbly, with all submission, declare what he apprehended to be the sense of the act of parliament enjoining the test, and in what sense he had freedom to take the same.

3. The act of parliament enjoining the test, does not enjoin the same to be taken by all persons whatsoever, but only prescribes it as a qualification, without which persons could not assume or continue to act in public trust; which being an oath to be taken by so solemn an invocation of the name of almighty God, it is not only allowable by the laws and customs of all nations, and the opinion of all divines and casuists popish or protestant, but also commended, that where a party has any scrupulosity, or unclearness in his conscience, as to the matter of the oath, that he should exhibit and declare the sense and meaning in which he is willing and able to take the oath. And it is not at all material, whether the scruples of a man's conscience, in the matter of an oath, be, in themselves, just or groundless, it being a certain maxim, both in law and divinity, that *conscientia, etiam erronea ligat.* And therefore, though the pannel had thought fit, for the clearing and exoneration of his own conscience, in a matter of the highest concern as to his peace and repose, to have expressed and declared the express sense in which he could take the oath, whether the said sense was consistent with the act of parliament or not; yet it does not in the least import any matter of reproach or reflection upon the justice or prudence of the parliament in imposing the said oath, but allenarly does evince the weakness and scrupulosity of a man's conscience, who neither did, nor ought to have taken the oath, but with an explanation that would have saved his conscience to his apprehension: otherwise he had grossly sinned before God, even though it was *conscientia errans:* and this is allowed and prescribed by all protestant divines, as indispensably necessary, and was never thought to import any crime, and is also commended even by popish casuists themselves, who though they allow, in some cases, of mental reservations and equivocations, yet the express declaration of the sense of the party is allowed and commended, as much more ingenuous; and *tutius remedium conscientiæ ne illaqueetur,* as appears by Bellarmine *de juramento,* and upon the same title *de interpretatione juramenti.* And Lessius that famous casuist, *de justitia et jure, dubitatione* 8, 9. *utrum si quis salvo animo aliquid juramento promittat, obligetur, et quale peccatum hoc sit.* And which is the general opinion of all casuists, and all divines, as may appear by Amesius, in his treatise *de conscientia,* Sanderson *de juramento, prælectione secunda.* And such an express declaration of the sense and meaning of any party, when required to take an oath, for no other end but for the clearing and exoneration of his own conscience, was never in the opinion of any lawyer, or any divine, construed to be the crime of leasing-making, or of defamatory libels, or depraving of public laws, or reproaching or misconstruing of the government, but the contrary. By the universal suffrage of all protestant divines, there is expressly required, in cases of a scrupulous conscience, an abhorrence and detestation of all reserved senses, and of all amphibologies and equivocations, which are in themselves unlawful and reprobate, upon that unanswerable reason, that *juramentum* being the highest act of devotion and religion, *in eo requiritur maxima simplicitas,* and that a party is obliged, who has any scruples of conscience, publicly and openly to clear and declare the same.

4. Albeit it is not controverted, but that a legislator imposing an oath, or any public authority, before whom the oath is taken, after hearing of the sense and explication which a person is willing to put upon it, either reject or accept of the same, if it be conceived not to be consistent with the genuine sense of the oath; yet though it were rejected, it was never heard of or pretended, that the offering of a sense does import a crime, but that notwithstanding thereof, *habetur pro recusante,* and as if he had not taken the oath, and to be liable to the certification of law, as if he had been a refuser.

5. The pannel having publicly and openly declared the sense in which he was free to take the oath, it is offered to be proved, that he was allowed, and did accordingly proceed to the taking of the oath, and did thereafter take his place, and sit and vote during that sederunt of privy council; so as the pretended sense and explication, which he did then emit and give, can import no crime against him.

6. It is also offered to be proved, that before the pannel was required to take the oath, or did appear before his royal highness, and lords of privy council, to take the same, there were a great many papers spread abroad from persons and ministers of the orthodox clergy, and, as the pannel is informed, some thereof presented to the bishops of the church, in the name of synods, and presbyteries, which did, in downright terms,

cate was able to advance. Sir John Dalrymple in the next room, supported the innocence of the earl, in an excellent discourse of the nature and obliga- 1681.

charge the test and oath with alleged contradictions and inconsistencies. And, for satisfaction whereof, some of the learned and reverend bishops of the church did write a learned and satisfying answer, called, a vindication of the test, for clearing the scruples, difficulties, and mistakes that were objected against it. And which vindication and answer was exhibited, and read before the lords of his majesty's privy council, and allowed to be printed, and from which the pannel argues. 1mo. That it neither is, nor can be pretended in this libel, that the alleged explication wherein he did take the oath, does propose the scruples of his conscience in these terms, which were proposed by the authors of these objections, which do flatly and positively assert, that the oath and test do contain matters of inconsistency and contradiction, whereas all that is pretended in this libel, with the most absolute violence can be put upon the words, is arguing implications and inferences, which neither the words are capable to bear, nor the sincerity of the earl's intention and design, nor the course of his bypast life can possibly admit of. And yet none of the persons, who were the authors of such papers, were ever judged or reputed criminal or guilty, and to be prosecuted for the odious and infamous crimes libelled, of treason, leasing-making, perjury, and the like. 2do. The pannel does also argue, from the said *matter* of fact, that the alleged explication libelled, can neither in his intention and design, nor in the words infer and import any crime against him, because, before his being required, or appearing to take the oath, there were spread abroad such scruples and objections by some of the orthodox clergy and others, so that the earl can never, in any sense, be construed in his explication, wherein he took the oath, to have done it *animo infamandi*; and to declaim against the government, for the scruples and objections that were spread abroad by others, were a fair and rational occasion why the earl, in any sense or explication which he offered, might have said, that he was confident the parliament never intended to impose contradictory oaths; and this is so far from importing the insinuation and inference made by the libel, that thereby the parliament were so impious as to impose contradictory oaths, as on the contrary, considering the circumstances forementioned, that there were papers spread abroad, insinuating, that there were inconsistencies and contradictions contained therein, the said expression was an high vindication of the honour and justice of the parliament against the calumnies and misrepresentations which were cast upon it, and was also a just rise for the pannel, for the clearing and exoneration of his own conscience, in the various senses and apprehensions which he found were going abroad as to the said test, humbly to offer his sense in which he was clear, and satisfied to take the oath.

7. To the libel, in so far as it is founded upon the act of parliament, *viz.* act 130, parl. 8, Jam. VI. declaring, that none should presume to impugn the dignity or authority of the three estates of parliament, or procure any invasion or diminution thereof, under the pain of treason; as also, in so far as it is pretended in the libel, that the pannel, by offering the sense and explication libelled, has assumed the legislative power, which is incommunicable, and has made a law, or a part of a law. It is answered, the libel is most groundless and irrelevant, and against which the act of parliament is opponed, which is so plain and evident, upon the reading thereof, that it neither is nor can be subject to the least cavillation, and the plain meaning whereof is nothing else, but to impugn the authority of parliaments, as if the king and parliament had not a legislative power, or were not the highest representative of the kingdom, or that any of the three estates were not essentially requisite to constitute the parliament. And besides, there is nothing more certain, than that the occasion of the said act its being made, was in relation to the bishops and clergy, and there is nothing in the pretended explanation, that can be wrested to import the least contravention of the said act, or to be an impugning of the three estates of parliament, or a seeking any innovation therein. And it is admired with what shadow of reason it can be pretended, that the pannel has assumed a legislative power, or made a part of a law, seeing all that is contained in the alleged explication libelled, is only a declaration of the earl's sense, in which he was satisfied to take the oath, and so respected none but himself, and for the clearing of his own conscience, which justly indeed the word of God calls a law to himself, without any encroaching upon the legislative power. And where was it ever debated, but that a man in the taking of an oath, if, as to his apprehensions, he thought any thing in it deserved to be cleared, might declare the same; or that his exhibiting, at the time of the taking of the oath, his sense and explication, wherein he did take it, was ever reputed or pretended to be the assuming of a legislative power, it being the universal practice of all nations to allow this liberty? and which sense may be either rejected or accepted, as the legislature shall think fit, importing no more but a party's private sense, for the exoneration of his own conscience. And as to that member of the libel, founded upon act 19, parl. 3, Queen Mary, it contains nothing but a declaration of the pain of perjury, and there is nothing in the explication libelled which can in the least be inferred as contravention of the said act, in respect, if it should be proved, that the pannel at the time of the taking of the oath, did take it in the words of the said explication, as his sense of the oath, it is clear, that the sense being declared at the time of taking the oath, and allowed as the sense wherein it was taken, the pannel can only be understood to have taken it in that sense. And although public authority may consider whether the sense given by the pannel does satisfy the law or not, yet that can import no more, though it was found not to satisfy, but to hold the pannel as a refuser of the oath; but it is absolutely impossible to infer the crimes of perjury upon it, being, as is pretended by the libel, the pannel did only take it with the declaration of the sense and explication libelled.

8. As the explication libelled does not at all import all, or any of the crimes contained in the said libel, so, by the common principles of all

1681. tion of oaths, which I have likewise subjoined ‡ and sir George Lockhart added replies which follow, § and the advocate gave triplies, which likewise

law, where a person does emit words for the clearing and exoneration of his own conscience, although there were any ambiguity, or unclearness, or involvedness in the tenor or import of the expressions or words, yet they are ever to be interpreted *interpretatione benigna et favorabili*, according to the general principles of law and reason. And it never was, nor can be refused to any person to interpret, and put a congruous sense upon his own words, especially the pannel being a person of eminent quality, and who hath given great demonstration and undeniable evidences of his fixed and unalterable loyalty to his majesty's interest and service, and, at the time of emitting the said explication, was invested and intrusted in public capacities. And it is a just and rational interpretation and caution, which Sanderson, that judicious and eminent casuist, gives Prælect 2, that *dicta et facta principum, parentum, rectorum*, are ever to be looked upon as *benignæ interpretationis*, and that *dubia sunt interpretanda in meliorem partem*. And there is nothing in the explication libelled, which, without detortion and violence, and in the true sense and design of the pannel, is not capable of this benign interpretation and construction, especially, respect being had to the circumstances wherein it was emitted and given, after a great many objections, scruples, and alleged inconsistencies, were owned, vented, and spread abroad, which was a rise to the earl, for using the expressions contained in the pretended declaration libelled.

9. These words whereby it is pretended the pannel declares, 'he was ready to give obedience as far as he could.' 1mo. Do not in the least import, that the parliament had imposed any oath which was *in* itself unlawful, but only the pannel's scrupulosity and unclearness in matter of conscience. And it is hoped it cannot be a crime, because all men cannot go the same length. And if any such thing were argued, it might be argued ten times more strongly, from a simple refusing of the oath, as if any thing were enjoined, which were so hard, that it is not possible to comply with it: and yet such implications are most irrational and inconsequential, and neither in the case of a simple and absolute refusing of the oath, nor in the case of an explication of the party's sense, wherein he is willing to take the oath, is there any impeachment of the justice and prudence of the legislator who imposeth this oath, but singly a declaration of the scrupulosity and weakness of the party, why he cannot take the oath in other terms, and such explications have been allowed by the laws and customs of all nations, and are advised by all divines of whatsoever principles, for the solace and security of a man's conscience. 2do. As to that point of the explication libelled, 'that I am confident the parliament never intended to impose contradictory oaths;' it respects the former answer, which, considering the plain and downright objections that were spread abroad, and made against the oath, as containing inconsistencies and contradictions, was an high vindication of the justice and prudence of the parliament. 3tio. As to these words, 'and therefore I think nobody can explain it but for himself.' The plain and clear meaning is nothing else, but that the oath being imposed by act of parliament, it was of no private interpretation; and that therefore every man, who was to take it, behoved to take it *in* that sense, which he apprehended to be the genuine sense of the parliament. And it is impossible, without impugning common sense, that any man could take it in any other sense, it being as impossible to see with another man's eyes, as to see with his private reason. And a man's own private sense, and apprehension of the genuine sense, was the only proper way wherein any man could rationally take the oath. And as to these words, 'that he takes it as far as it is consistent with itself and the protestant religion,' the pannel neither intended nor expressed more, but that he did take it as a true protestant, and he hopes all men have taken it as such. And as to that clause wherein the pannel is made to declare, 'that he does not bind up himself in his station, *in* a lawful way, to wish and endeavour any alteration, he thinks, to the advantage of church or state, not repugnant to the protestant religion and his loyalty.' It is answered, There is nothing in this expression that can import the least crime, or give the least umbrage *for* any mistake: for, 1. It is most certain, it is impossible to elicite any such thing from the oath, but that it was the intention of the parliament, that persons, notwithstanding of the oath, might concur in their stations, and in a lawful way, *in* any law, to the advantage of church and state: and no rational man ever *did* or can take the oath in other terms, that being *contrary* to his allegiance and duty to his sacred majesty and prince. 2. There is nothing in the said expression which does touch *in* the least point, at any alteration in the fundamentals of government, either in church or state, but, on the contrary, by the plain and clear words and meaning, rather for its perpetuity, stability, and security, the expression being cautioned to the utmost scrupulosity, as that it was to be *done* in a lawful manner, that it was to be to the advantage of church or state, that it was to be consistent with the protestant religion, and with his loyalty, which was no other but the duty and loyalty of all faithful subjects, and which he has signally and eminently expressed upon all occasions: so that how such an expression can be drawn to import all, or any of the crimes libelled, passeth all natural understanding. And as to the last words, 'this I understand as a part of my oath, 'which is libelled to be a treasonable invasion, and assuming of the legislative power; it is answered, it is most unwarrantable, and a party's declaring the sense and meaning, in which he was free to take an oath, does not at all respect or invade the legislative power, of which the pannel never entertained a thought, but has an absolute abhorrence and detestation of such practices: but the plain and clear meaning is, that the sense and explication was a part of his oath, and not of the law imposing the oath, these being as distant as the two poles; and which sense was taken off the earl's hands, and he accordingly was allowed to take his place at the council-board, and therefore repeats the former general defences.

And to convince the lords of justiciary, that there is nothing in the pretended explication

follow.‖ Those papers, though not short, I durst not venture to abridge, but have put them together in the notes, as containing very distinct and full 1681.

libelled, which can be drawn to import any crime, even of the lowest size and degree, and that there is no expression therein contained, that can be detorted or wrested to import the same, is evident from the learned vindication published and spread abroad, by an eminent bishop, and which was read in the face of the privy council, and does contain expressions of the same nature, and of the same import contained in the pretended explication libelled, as the ground of this indictment libelled against the pannel. And it is positively offered to be proven, that these terms were given in, and read, and allowed to be printed, and (without taking notice of the whole tenor of the vindication, which the lords of justiciary are humbly desired to peruse and consider, and compare the same with the explication libelled) the same acknowledgeth, that scruples had been raised and spread abroad against the oath; and also acknowledgeth, that there were expressions therein that were dark and obscure; and likewise takes notice, that the confession, ratified par. 1. Jam. VI., to which the oath relates, was hastily made, and takes notice of that authority that made it; and acknowledges in plain terms, that the oath does not hinder any regular endeavour to regulate or better the established government, but only prohibits irregular endeavours and attempts to invert the substance or body of the government; and does likewise explain the act of parliament anent his majesty's supremacy, that it does not reach the alteration of the external government of the church. And the pannel and his procurators are far from insinuating in the least, that there is any thing in the said vindication, but what is consistent with the exemplary loyalty, piety, and learning of the writer of the same. And though others perhaps may differ in their private opinion, as to this interpretation of the act of parliament anent the king's supremacy, yet it were most absurd and irrational to pretend, that whether the mistake were upon the interpretation of the writer, or the sense of others, as to that point, that such mistakes or misapprehensions, upon either hand, should import or infer against them the crimes of leasing-making, or depraving his majesty's laws; for if such foundation were laid, judges and lawyers had a dangerous employment, there being nothing more ordinary than to fall into differences and mistakes of the sense and meaning of the laws and acts of parliament: but such crimes cannot be inferred, but with and under the qualifications abovementioned, of malicious and perverse designs, joined with licentious, wicked, and reproachful speeches spread abroad to move sedition and dislike of the government: and the said laws were never otherwise interpreted, nor extended in any case; and therefore the explication libelled, neither as taken complexly, nor in the several expressions thereof, nor in the design of the ingiver of the same, can, in law, import against him all or any of the crimes libelled.

In like manner the pannel conjoins, with the grounds abovementioned, the proclamation issued forth by his majesty's privy council, which acknowledges and proceeds upon a narrative, that scruples and jealousies were raised and spread abroad against the act of parliament enjoining the test, for clearing and satisfaction whereof, the said proclamation was issued forth, and is since approved of by his sacred majesty.

† *The advocate's argument and plea.*

His majesty's advocate, for the foundation of his debate, does present, that his majesty, to secure the government from the rebellious principles of the last age, and the unjust pretext made use of in this, from popery and other jealousies, as also to secure the protestant religion and the crown, called a parliament; and that the great security resolved on by the parliament was this excellent test, in which, that the old juggling principles of the covenant might not be renewed, wherein they still swore to serve the king in their own way, the parliament did positively ordain, that this oath should be taken in the plain genuine meaning of the words, without any evasion whatsoever. Notwithstanding whereof the earl of Argyle, by this paper, does invent a new way, whereby no man is at all bound to it. For how can any person be bound, if every man will only obey it as far as he can, and as far as he conceives it consistent with the protestant religion and with itself, and reserve to himself, notwithstanding thereof, to make any alteration that he thinks consistent with his loyalty? and therefore his majesty's advocate desires to know, to what the earl of Argyle, or any man else, can be bound by this test? what the magistrate can expect, or what way he can punish his perjury? for if he be bound no further than he himself can obey, or so far as this oath is consistent with the protestant religion, or itself, *quomodo constat*, to whom or what is he bound? and who can determine that? or against what alteration is the government secured, since he is judge of his own alteration? so that that oath which was to be taken without any evasion, is evaded in every single word or letter, and the government as unsecure, as before the act was made, because the taker is no further bound than he pleases. From which it cannot be denied, but his interpretation destroys, not only this act, but all government, since it takes away the security of all government, and makes every man's conscience, under which name there goes ordinarily, in this age, humour and interest, to be the rule of the taker's obedience. Nor can it be conceived to what purpose laws, but especially oaths, needed to be made, if this were allowed; or how this cannot fall under the 197 act, parl. 7. James VI., whereby it is statuted, "that no man interpret the statutes otherwise than the maker understood." For what can be more contrary to the taking of them in the maker's sense, than that every man should obey as far as they can, and be allowed to take them in a general sense, so far as they are consistent with themselves and the protestant religion, without condescending wherein they do not agree with the protestant religion? and that they are not bound not to make any alteration, which they think good for the states; *for* all these make the rule of obedience in the taker, whereas the positive law makes it to be in the maker. Or how could they be punished with perjury after this oath? for when he were quar-

1681. reasonings upon oaths, and the explication of them. The reasonings

relled for making alterations against this oath, and so to be perjured, he might easily answer, that he took this oath only in so far as it was consistent with the protestant religion, and with a *salvo*, that he might make any alteration that he thought consistent with his loyalty. And as to these points upon which he were to be quarrelled, he might say, he did not think them to be inconsistent with his loyalty, think we what we pleased, and so needed not be perjured, except he pleased to decide against himself; for in these generals he reserves to himself to be still judge; and this were indeed a fine security for any government. And by the same rule, that it looses this oath, it shows a way of loosing all oaths and obedience, and consequently strikes at the root of all laws as well as this: whereas, to shun all this, not only this excellent statute 107. has secured all the rest, but this is common reason; and in the opinion of all divines, as well as lawyers in all nations, *verba juramenti intelliguntur secundum mentem et intentionem ejus cui fit juramentum*, which is set down as the grand position by Sanderson, (whom they cite) p. 137. and is founded upon that mother law, l. 10, *cui interrogatus*, ff. *de interrogationibus in jure faciendis*, and without which no man can have sense of government in his head, or practise it in any nation. Whereas, on the other hand, there is no danger to any tender conscience, since there was no force upon the earl to take the oath, but he took it for his own advantage, and might have abstained.

2do. It is inferred from the above-written matter of fact, that the earl is clearly guilty of contravention of the 10 act, parl. 10. James VI., whereby the lieges are commanded not to write any purpose of reproach of his majesty's governments or misconstrue his proceedings, whereby any misliking may be raised betwixt his highness, his nobility, or his people. And who can read this paper without seeing the king and parliament reproached openly in it? for who can hear, that the oath is only taken as far as it is consistent with itself and the protestant religion, but must necessarily conclude, that in several things it is inconsistent with itself and the protestant religion? for if it were not inconsistent with itself and the protestant religion, why this clause at all, but it might have been simply taken? for the only reason of hindering it to be taken simply, was because of the inconsistency, *ergo*, there behoved necessarily to be an inconsistency. And if there be any inconsistency with the protestant religion, or any contradiction in the oath itself, can there be any thing a greater reproach on the parliament, or a greater ground of mislike to the people? and whereas it is pretended, that all laws and subsumptions should be clear, and these are only inferences; it is answered, that there are some things which the law can only forbid in general; and there are many inferences which are as strong and natural, and reproach as soon, or sooner than the plainest defamations in the world do: for what is openly said of reproach to the king, does not wound him so much as many seditious insinuations have done, in this age and the last: so that whatever was the earl's design, (albeit it is always conceived to be unkind to the act against

continued till nine at night, and when all were dismissed, the lords continued together

which himself debated in parliament,) yet certainly the law, in such cases, is only to consider what effect this may have amongst the people, and therefore the acts of parliament, that were to guard against the misconstruing of his majesty's government, do not only speak of what was designed, but where a disliking may be caused, and so judgeth *ab effectu*: and consequentially to the same emergent reason, it makes all things tending to the raising of dislike, to be punishable, by the act 60. par. 6. Q. Mary, and the 9 act, par. 20. James VI., so that the law designed to deter all men, by these indefinite and comprehensive expressions; and both in this and all the laws of leasing-making, the judges are to consider what falls under these general and comprehensive words: nor could the law be more special here, since the makers of reproach and slander are so various, that they could not be bound up, or expressed in any law. But as it evidently appears, that no man can hear the words expressed, if he believe this paper, but he must think the parliament has made a very ridiculous oath, inconsistent with itself and the protestant religion, the words allowing no other sence, and having that natural tendency; even as a man would say, I love such a man only in so far as he is an honest man, he behoved certainly to conclude, that the man was not every way honest: so if your lordships will take measures by other parliaments, or your predecessors, you will clearly see, that they thought less than this a defaming of the government, and misconstruing his majesty's proceedings. For in Balmerino's case, the justices find an humble supplication made to the king himself, to fall under these acts now cited; albeit, as that was a supplication, so it contained the greatest expressions of loyalty, and offers of life and fortune that could be expressed; yet because it insinuates darkly, that the king in the preceding parliament had not favoured the protestant religion, and they were sorry he should have taken notes with his own hands of what they said, which seems to be most innocent, yet he was found guilty upon those same very acts, and the parliament 1661, found his lordship himself guilty of leasing-making, though he had only written a letter to a private friend, which requires no great care nor observation; (but this paper, which was to be a part of his own oath, does) because, after he had spoken of the parliament in the first part of his letter, he thereafter added, "that the king would know their tricks;" which words might be much more applicable to the private persons therein designed, than that the words now insisted on can be capable of any such interpretation: and if either interpretations, upon pretext of exonering of conscience, or otherwise, be allowed, a man may easily defame as much as he pleases. And have we not seen the king most defamed by covenants entered into, upon pretence to make him great and glorious, by remonstrances made to take away his brother and best friend, upon pretence of preserving the protestant religion, and his sacred person? and did not all who rebelled against him in the last age, declare, that they thought themselves bound in duty to obey him, but still as far as that could consist with their respect to the protestant

upon their interlocutor, till two in the morning, and adjourned till the 13th in the afternoon; when the interlocutor was pronounced, that they found the 1681.

religion, and the laws and liberties, which made all the rest ineffectual? and whereas it is pretended, that by these words, "I take the same in as far as it is consistent with itself, and the protestant religion," nothing more is meant, but that he takes it as a true protestant. His majesty's advocate appeals to your lordships, and all the hearers, if, upon hearing this expression, they should take it in this sense, and not rather think that there is an inconsistency; for *if that were possible* to be the sense, what need he say at all, "as far as it is consistent with itself?" Nor had the *other* part, "as far as it is consistent with the protestant religion," been necessary; for it is either consistent with the protestant religion, or otherwise they were enemies to the protestant religion that made it; nor are any lawyers or others in danger, by pleading or writing, for these are very different from, and may be very easily pleaded, without defaming a law and an oath, when they go to take it: but if any lawyer should say in pleading or writing, that the test was inconsistent, or, which is all one, that it were not to be taken by any man, but so far as it was consistent with itself and the protestant religion, no doubt this would be a crime even in pleading, though pleading has a greater allowance than deliberate swearing has; and as there is nothing wherein there is not some inconveniency, so the inconveniency of defaming the government, is much greater than that of any private man's hazard, who needs not err except he please.

Whereas it is pretended, that before the earl gave in his explication, there were other explications spread abroad, and answers read to them in council, and that the council itself gave an explication. It is answered, that if this paper be leasing-making, or misconstruing his majesty's proceedings, and treasonable, as is contended, then a thousand of the like offences cannot excuse it; and when the king accused noblemen, ministers and others, in the year 1661, for going on in the rebellions of that age, first with the covenanters, and then with the usurpers, it was found no defence, that the nation was overgrown with those crimes, and that they were thought to be duties in those days; yea, this were to invite men to offend in multitudes; and albeit, sometime, these who follow the example of multitudes, may thereby pretend this as an excuse to many, yet this was never a formal defence against guilt, nor was ever the chief of the offenders favoured on that head. And it is to be presumed, that the earl of Argyle would rather be followed by others, than that he would follow any example. But his majesty's advocate does absolutely decline to debate a point that may defame a constant and standing act of parliament, by leaving upon record a memory of its being opposed; nor were this relevant, except it could be said, the council had allowed such explications which reflected upon the king and government: for the writing an answer is no allowance but a condemning; nor can the council allow any more than they can remit, and though it may justly be denied, that the council heard even the earl's own explanation, yet the hearing or allowing him to sit, is no relevant plea, because they very justly might have taken a time to consider how far it was fit to accuse upon that head; and it is both just and fit for the council to take time, and, by express act of parliament, the negligence of the king's officers does not bind them: for if this were allowed, leading men in the council might commit what *crimes they* pleased in the council, which *certainly the king* may quarrel many years *after*; and though all *the council had* allowed him that day, any officer of state might have quarrelled it the next day. As to the opinion of Bellarmine, Sanderson, and others, it is ever contended, that the principles of the covenant agree very well with these of the jesuits, and both do still allow equivocations and evasions; but no solid orthodox divine ever allowed, that a man who was to swear without any evasion, should swear so as he is bound to nothing, as it is contended the earl is not, for the reasons represented. And as they still recommend, that when men are not clear they might abstain, as the earl might have *done* in this case, so they still conclude, that men should tell in clear terms, what the sense is by which they are to be bound to the state; whereas the earl here tells only in general, and in most ambiguous terms, that he takes it as far as he can obey, and as far as it is consistent with the protestant religion, and that he takes it in his own sense, and that he is not bound by it from making alterations, but as far as he thinks it for the advantage of church or state; which sense is a thousand times more doubtful than the test, and is, in effect, nothing but what the taker pleases himself.

As to the treason founded on, his majesty's advocate founds it first upon the fundamental and common laws of this and all nations, whereby it is treason for any man, to make any alteration he shall think for the advantage of church or state, which he hopes is a principle cannot be denied in the general. And whereas it is pretended, that this cannot be understood of mean alterations, and of alterations to be made in a lawful way; it is answered, that as the thing itself is treason, so this treason is not taken off by any of those qualifications, because he declares, he will wish and endeavour any alteration he thinks fit; and any alteration comprehends all alterations he thinks fit: *nam propositio indefinita equipollet universali:* and the word *any* is general in its own nature, and is in plain *terms*, a reserving to himself to make *alterations both* great and small; and the restriction is not, *all* alterations the *king shall think* fit, or are *consistent* with the laws and acts of parliament, but he is still to be judge of this, and his loyalty is to be the standard: nor did the covenanters in the last age, nor do these who are daily executed, decline that they are bound to obey the king simply, but only that they are bound to obey him no otherwise, than as far as his commands are consistent with the law of God, of nature, and of this kingdom, and with the covenant; and their treason lies in this; and when it is asked them, who shall be judge in this, they still make themselves judges; and the *reason of* all *treason being, that the government* is not secure, it is desired to be known, what way the

1681. earl's defences relevant as to perjury, but all his defences as to treason and leasing-making were repelled. It is said two of the lords dissented from the rele-

government can be secured after this paper, since the earl is still judge how far he is obliged, and what is his loyalty; and if this had been sufficient, the covenant had been a very excellent paper, for they are there bound to endeavour, in their several stations, to defend the king's person; but when the king challenged them, how they came to make war against him, their great refuge was, That they were themselves still judges as to that. And for illustrating this power, the lords of justiciary are desired to consider, *quid juris*, if the earl or any man else should have reserved to himself in this oath a liberty to rise in arms, or to oppose the lineal succession, though he had added, 'in a lawful manner,' for the thing being in itself unlawful, this is but sham, and *protestatio contraria facto*: and if these be unlawful, notwithstanding of such additions, so much more must this general reservation, 'of making any alterations, likewise be unlawful, notwithstanding of these additions: for he that reserves the general power of making any alteration, does *a fortiori* reserve power to make any alteration, though never so fundamental; for all particulars are included in the general, and whatever may be said against the particulars, may much more strongly be said against the general. 2. The 130 act, parl. 8, James VI. is expressly founded on, because nothing can be a greater diminution of the power of the parliament, than to introduce a way or means, whereby all their acts and oaths shall be made insignificant and ineffectual, as this paper does make them, for the reasons represented. Nor any of the estates of parliament secure at this rate, but that they who reserved a general power to make all alterations, may, under that general, come to alter any of them. 3. What can be a greater impugning of the dignity and authority of parliaments, than to say, that the parliament has made acts for the security of the kingdom, which are in themselves ridiculous, inconsistent with themselves and the protestant religion?

And as to what is answered against invading the king's prerogative, and the legislative power in parliaments, in adding a part to an oath or act, is not relevantly inferred, since the sense of these words, 'and this I understand as a part of my oath,' is not to be understood, as if any thing were to be added to the law, but only to the oath, and to be an interpretation to the oath. It is replied, That after this no man needs to add a caution to the oath in parliament; but when he comes to take the oath, do the parliament what they please, he will add his own part. Nor can this part be looked upon as a sense; for if this were the sense before this paper, he needed not understand it as a part of it, for it wanted not that part: and in general, as every man may add his own part, so the king can be secure of no part. But your lordships of justiciary are desired to consider, how dangerous it would be in this kingdom, and how ill it would sound in any other kingdom, that men should be allowed to reserve to themselves liberty to make any alteration they thought fit, in church or state, as to the legality of which they were themselves to be judges; and how far, from degree to degree, this at last may come to absolute anarchy, and how scandalous a thing, as well as unsecure, this new way may look, in an age wherein we are too much tracing the steps of our rebellious progenitors in the last, whose great *defection* and error was, that they thought themselves, and not the king, the authors of reformation in church and state. And no man ever was barred by that, that the way he was upon was not a lawful way; for if it be allowed to every man to take his own way, every man will think his own way to be the lawful way.

As to the perjury, it is founded on this, First, that perjury may be committed not only by breaking an oath, but even in the swearing of it, viz. to swear it with such evasions as make the oath ineffectual; for which Sanderson is cited, page 138. *Alterum perjurii genus est, non alioquo excogitato commento juramenti vim declinare, aut eludere, et jurans tenetur sub pœna perjurii, implere secundum intentionem deferentis;* both which are here. For the earl being bound by the very oath, to swear in the genuine meaning, without any evasion, he has sworn so as he has evaded every word, there being not one word to which it can be said particularly he is bound, as is said. And it is undeniable, that he has not sworn in the sense of the makers of the law, but in his own sense, which is perjury, as is said: and consequentially, whatever sense may be allowed in ambiguous cases, yet there can be none where the paper clearly bears generals; and where he declares, that he takes it in his own sense, his majesty's advocate declares, he will not burden himself, that copies were dispersed, though it is certain, since the very paper itself, by the giving in, is chargeable with all that is above charged upon it.

‡ *Sir John Dalrymple's reply to the king's advocate.*

Sir John Dalrymple replies for the pannel, that since the solid grounds of law, adduced in the defences, have received no particular answers, in relation to the common consent of all casuists, viz. that a party who takes an oath, is bound in conscience to clear and propose the terms and sense in which he does understand the oath, nor in relation to the several grounds adduced, concerning the legal and rational interpretation of dubious clauses; and since these have received no answers, the grounds are not to be repeated: but the procurators for the pannel do further insist on these defences.

1. It is not alleged, that any explanation was given in by the pannel to any person, or any copy spread before the pannel did take the test in council; so that it cannot be pretended, that the many scruples that have been moved concerning the test, did arise from the pannel's explication; but on the contrary, all the objections that are answered and obviated in the pannel's explication, were not only privately muttered, or were the thoughts of single or illiterate persons, but they were the difficulties proposed by synods and presbyteries, long before the pannel came from home, or was required to take the test. So that the general terms of the acts of parliament founded upon in the libel, are not applicable in this case; for as these laws in relation to leasing-makers, are only relative to atro-

vancy: whether they entered a formal dissent, I cannot say, but they were outvoted, by calling in one who had not been present at the debate. The truth of 1681.

cious wilful insinuations, or misconstructions of his majesty's person or government, or the open depraving of his laws, so the restrictive clause, whereby sedition or misconstructions may be moved, raised, or engendered, betwixt his majesty and his lieges, cannot be applied to this case, where all these apprehensions and scruples were on foot, and agitated long before the pannel's explanation.

As it cannot be pretended, that any new dust was raised by the pannel's explanation, so it is positively offered to be proved, that there is not one word contained in this explanation, but that either these individual words, or much worse, had been publicly proposed, and *verbatim* read in council, without the least discouragement, or the least objection made by any member of the council; and where a writing, *ex proposito*, read in so high a court, was universally agreed upon, without the alteration of a syllable, how can it be pretended, that any person thereafter using the said individual terms in any explanation, and far easier terms, that they shall incur the high and infamous crimes libelled? and the question is not here, whether the council was a proper judicature to have proposed or imposed a sense, or allowed any explanation of the test to be published; but that it is impossible that a sense they allowed, or being publicly read before them, and which the king's advocate did not control, that this should import treason or any crime: and though the pannel's advocate will not pursue or follow the reply that has been made to this point, yet certainly no man of sober sense will think, that it is fit to insinuate, that so high a judicature might have authorized or acquiesced in such explanations, as the lieges thereafter should be entrapped to have used.

If the pannel had officiously or ultroneously offered a sense or explanation of his majesty's laws, which the laws themselves could not have borne, it might justly have been alleged, that he was *extra ordinem*, and meddling in a matter he was not concerned in; but where the act of council did enjoin, and he was required and cited to that effect, it could neither be constructed as ostentation, or to move or encourage scruples or resistance, but it was absolutely necessary either for to have refused the test, or else to have declared what he thought to be the true and genuine meaning of it; and there being so many objections publicly moved and known, his explanation was nothing else but to clear, that he did not look upon those scruples and objections moved by others, as well founded and rational in themselves, and therefore he was able to take the test in that sense the council had heard or allowed; and it is not controverted, that the sense of the legislator is the genuine sense both of laws and oaths; and if a person were only interpreting the meaning of either law or an oath imposed, he should deprave and misconstruct the law and oath, if he rendered it wittingly and willingly in terms inconsistent with the meaning of the imposer: but there is a great difference betwixt taking of oaths, and interpreting oaths; for when a man comes to take an oath, except his particular sense did agree with the genuine meaning of the imposer, he cannot take that oath, though he may very well interpret and declare what is the sense of the legislator, which he may know, and yet perhaps not be able to take the oath. And therefore, when there is any doubtfulness in an oath, and a party is bound to take it, if then he gives in an explication of the sense, which he, in his private judgment, doth apprehend to be the genuine meaning, if that private sense be disconform to the legislator's sense in the oath, then the imposer of the oath, or he that has power to offer it to the party, if he consider the party's sense disconform, he ought to reject the oath, as not fulfilling the intent of the law imposing it. But it is impossible to state that as a crime, that a party should never believe what is proposed in the oath, nor be able to take it; and he can run no farther hazard, but the penalty imposed upon the refuser; and therefore, in all oaths, there must be a concourse both of the sense imposed by authority, and of the private sense, judgment, or conscience of the party. And therefore, if a party should take an oath in the sense proposed by authority, contrary to his own sense, he were perjured: whereby it is evident, that the sense of authority is not sufficient, without the acquiescence and consent of the private person; and therefore it is very strange, why that part of the pannel's explanation should be challenged, that he takes it in his own sense, the *posterior* words making it as plain as the light, that that sense of his own is not what he pleases to make of the oath, for it bears expressly, that no body can explain it but for himself, and reconcile it as it is genuine, and agrees in its own sense; so that there must be a reconciliation betwixt his own sense and the genuine sense, which upon all hands is acknowledged to be the sense of authority; and that the pannel had been of these lax and debauched principles, that he might have evaded the meaning and energy of the oath, by imposing upon it what sense he pleased, certainly he would have contented himself in the general refuge of equivocation, or mental reservation; and he would never have exposed his sense to the world, in which he took this oath, whereby he became absolutely fixed and determined to the oath, in that particular sense, and so had no latitude of shuffling off the energy or obligation of the oath. And it is likewise acknowledged, that the cases alleged in the reply are true, viz. that the person is guilty of perjury, *si aliquo novo commento* he would elude his oath, or who doth not fulfil the oath in the sense of the imposer; but that does not concern this case: for in the foresaid citation, a person after he has taken an oath, finding out some new conceit to elude it, he is perjured; but in this case, the pannel did, at and before his taking the test, declare the terms in which he understood it; so that this was not *novo aliquo commento* to elude it. And the other case, where a party takes it in the sense of authority, but has some subterfuge, or concealed explanation, it is acknowledged to be perjury; but in this case, there was no concealed explanation, but it was publicly expressed, and an explanation given, which the pannel designed and understood as the meaning of authority, and had ground to believe he was not mistaken, since,

1681. the matter of fact is known to many yet alive, and is as follows. There were but four of the lords with the justice-general at the debates. The lord Nairn

upon that explanation, he was received and allowed to sit and vote in council.

• And as to that part of the reply that explains the treason, there can be no treason in the pannel's case, because the express act of parliament founded upon, doth relate only to the constitution of the parliament; and I am sure, his majesty's advocate cannot subsume in these terms: and therefore, in the reply, he recurs to the general grounds of the law, that the usurping of his majesty's authority, in making a part of the law, and to make alterations in general, without the king, are high and treasonable words or designs, and such as the party pleases, and such designs as have been practised in the late times; and that even the adjection of fair and safe words, as in the covenant, does not secure from treasonable designs; and that it was so found in Balmerino's case, though it bear a fair narrative of an humble supplication. It is replied, that the usurpation of making of laws is undoubtedly treasonable; but no such thing can be pretended or subsumed in this case; for albeit the pannel declares his explanation to be a part of his oath, yet he never meant to impose it as even a part of the law, or that his explanation should be a thing distinct, or a separate part of his oath; for this explanation being but exegetic of the several parts of the oath, it is no distinct thing from the oath, but declared to be a part of the oath, *de natura rei*. And it was never pretended, that he that alleged any thing to be *de natura rei*, did say that that was distinct and separate, which were a contradiction; and therefore the argument is retorted. The pannel having declared this explanation was *de natura rei*, implied in the oath, he necessarily made this explanation no addition or extension of the oath; so that for all this explanation, the oath is neither broader nor longer than it was.

And as to these words, 'I do not mean to bind up myself in my station, and in a lawful way to wish and endeavour any alteration I think to the advantage of church or state, not repugnant to the protestant religion, and my loyalty.' It is a strange thing how this clause can be drawn in question, as treasonable, when it may, with better reason, be alleged, that there is not a good subject but is bound to say it. And albeit the words, 'to endeavour in my station,' be words contained in the covenant, yet that is no reason, why two words in the covenant, may not be made use of in another very good and loyal sense: and there is no man that shall have the honour either to be entrusted by his majesty in his council, or any other judicature, or to be a member of parliament, but he is bound by his loyalty to say the same thing; and there was never a clause more cautiously expressed, for the words run, 'to endeavour any alteration I shall think to the advantage of church and state.' And though that was sufficient, yet the clause is so cautiously conceived, that it contains another restriction, 'not repugnant to religion and his loyalty.' So that except it could be alleged, that a man, by lawful means, to the advantage of church and state, consistent with his religion and loyalty, could make treasonable alterations and invasions on the government and monarchy, which are the highest contradictions imaginable, there can be nothing against the pannel. And albeit the clause, 'any alterations,' might without the restrictions and qualifications foresaid, be generally extended, yet the preceding words of 'lawful way,' and the rational interpretation of the omission of words, especially before a solemn judicatory, leaves no other place or shadow to doubt, that these alterations were no fundamental or treasonable alterations, but such as the frailty of human affairs and constitutions, and vicissitudes of things and circumstances, do constantly require, in the most exact constitutions under heaven. And the clause does not so much as import, that there is a present necessity of alteration, but it was a necessary and rational prospect, that albeit at present, all things under heaven had been done to secure the religion and government, yet there might occur cases that might require new helps, alterations, and remedies. And it is not pretended in this case for the pannel, that he desires to allevinate or take off words truly treasonable, or having an ill design, by the mixing of fair and safe, dutiful and submissive expressions, which indeed are protestations *contrariæ facto:* for there is nothing in his explanation, that either in his design, or in the words themselves, being rationally and naturally interpreted, can infer the crimes libelled, or any of them; and the pannel's known principles and known practices, do not only clear that loyalty that he has professed before the lords of justiciary, and instructed by unquestionable documents, but they put him far from the suspicion of these damnable principles related in the reply, of which the whole tract of his life hath been an entire evidence of his abhorrency and detestation. And in the last place, it is thought strange, why that should be represented as an affront or disgrace to the government, that the parliament imposed a test, which the pannel is not able to take simply: and it is not pretended, that he hath defamed, written, or spoken against the test itself, or for the inconveniency of it, but only that he hath not been able to see the good ground upon which it may be simply taken; and this were to condemn him for want of sight or sense, when the law hath punished no man for not taking the test, but only turned him out of the government. And it is as strange an inference, that because the pannel declares, he believes the parliament meant no contradiction, and would take the test, in as far as it is consistent, that therefore he says the parliament imposed contradictions; which is so far from a rational induction, that the contradiction of these subsumptions, in all congruity of language and sense, is necessarily true; and therefore the last part of that clause, 'in so far as it is consistent,' is a consequence inferred upon the former, viz. I believe the parliament designed to impose no contradictions, *ergo* I take the test as consistent, and in so far as it must be consistent, if the parliament did not impose contradictions, as certainly they have not; and to convince the world, that in this sense this explanation is receivable, it was proposed in council, and allowed; and therefore, without the highest reflection, it cannot now be quarrelled.

was now an old infirm man, so far decayed, that he was not able to take his turn in the outer-house of the lords of session, as ordinary, for a considerable 1681.

§ *Sir George Lockhart's reply to the King's Advocate.*

Sir George Lockhart duplies, that the defender repeats and oppones his former defences, which are noways elided nor satisfied by the reply made by his majesty's advocate. And although it be easy for the king's advocate, out of his zeal, to pretend and argue crimes of the highest nature, upon inferences and consequences, neither consistent with the pannel's designs, nor with his words and expressions, yet there cannot be a more dangerous foundation laid, for the security and interest of the government, and the security and protection of the subjects, than that crimes should be inferred but from clear, evident, and express laws, and plain palpable contravention of these laws, it being both against the laws of God and man, that a man should be made an offender for a word, and especially for expressions, which, according to sense and reason, and considering the time and place where they were spoken by the pannel, *viz.* as a member of his majesty's privy council, and in presence of his royal highness and the members of council, and when required to take the test, were safe and innocent. And it were against all law and reason to suppose, that the pannel either did, or designed to do any thing which may, or did import the crimes libelled against him. And whereas it is pretended, that the oath required and imposed by act of parliament was for the security of the government; and that the pannel, by his explanation, does evade the oath, by taking it only so far as it is consistent with the protestant religion, and his own loyalty, whereof he was judge. It is answered, that the pretence is most unwarrantable, and the security of his majesty's government is not at all endangered, (as God forbid it should) though the pannel and a thousand more had simply refused the test, or had taken it in a sense which does not satisfy the law, it being competent to public authority to consider, whether the pannel's oath, in the terms of the explication wherein he did take it, does satisfy the act of parliament or not, and if not, there can be no rational consequence inferred thereupon, but that he is holden as a refuser of the oath, and liable to the certification of the act of parliament, of not assuming and continuing in any public trust; and no more was intended or designed by the act of parliament itself, than strictly to make the oath, in the true and genuine sense and meaning of the parliament, an indispensable qualification of persons admitted to public trust; so that it is not at all material to dispute, whether the pannel's explication can be looked upon as a full satisfaction of the act, which, whether it should or not, it can import no crime against him, in not being consistent with sense and reason, that a person, who absolutely refuseth the test, upon the scrupulosity of his conscience, albeit he be not capable of public trust, should be, notwithstanding, looked upon as guilty of no crime. And yet another, who was willing to go to a greater length, albeit he did demur and scruple as to the full length, that he should be reputed criminal, and guilty of a crime.

2. The pannel repeats, and conjoins with this, the grounds abovementioned, contained in his defences, *viz.* that neither the crimes libelled, nor any other crime, were ever pretended or made use of against any others, who did spread abroad objections of an high nature, which yet were so favourably looked upon, as to be construed only to proceed from scrupulosity of conscience; as also the satisfaction endeavoured, is in such terms, and by such condescensions, as do take in, and justify the whole terms of the explication libelled.

It is of great moment, and whereof the lords of justiciary are desired to take special notice, both for clearing the absolute innocence of the pannel's meaning and intention, and to take off all possible misconstruction, that can be wrested or detorted from the tenor and expressions of the libelled explication, that the pannel was put to, and required to take the oath, before the lords of his majesty's privy council did pass or publish their proclamation explaining the oath, and declaring the genuine sense and meaning thereof, *viz.* that it did not tie to the whole articles of the Confession of Faith, ratified by act of parliament, Jam. VI. and which, as to several articles thereof, had occasioned the scruples and difficulties, and alleged inconsistency and contradiction betwixt the last part of the oath, and the said Confession, and betwixt some of these articles and the current of the protestant doctrine, received and contained in the *syntagma* of the protestant confessions. And therefore, if the pannel, at that time, did think fit, for the clearing and exoneration of his own conscience, to use the expressions in the explication libelled, and yet, with so much duty and confidence of the parliament's justice, as to their meaning and intention, 'that the parliament never intended to impose contradictory oaths,' and that 'he did take it so far as it was consistent with itself, and the protestant religion,' not knowing then whether the whole Confession was to be reputed a part of the oath, and doubting thereanent; and which the lords of his majesty's privy council, and his sacred majesty, by his approbation since, have thought a difficulty of so great moment, as it was fit to clear the same by a public proclamation. How now is it possible that any judicatory under heaven, which proceeds upon the solid grounds of law and reason, and who, it cannot be doubted, will have a just regard to the intrinsic principles of justice, and to all men's security, that they can now believe all or any of the crimes libelled, should be in the least inferred from all, or any of the expressions contained in the said explication? but that, on the contrary, it was a warrantable allowance, and Christian practice, condemned by the law and custom of no nation, that having scruples in the matter of an oath, which should be taken in truth, judgment, and righteousness, and upon full deliberation, and with a full assurance and sincerity of mind, that he did plainly, openly, and clearly declare the sense in which he was willing to take it; and if authority did allow it as the genuine sense of the oath, the pannel to be holden as a taker of the oath. And if, upon further consideration, authority think not that, *habetur pro recusante*, and a refuser of the oath, but no ways to be looked upon as a criminal, and guilty person.

And the pannel repeats, and conjoins with

1681. time. The lord Collington, an ingenuous gentleman, and an old cavalier, with the lord Kirkhouse, said to be a very learned and upright judge, were

this point of the reply, that point in his defence, whereby he positively offers to prove, 1mo. that his explication, and the sense wherein he took the oath, was heard and publicly given and received in council, and the pannel thereafter allowed to take his place, and sit and vote in that sederunt.

2do. The pannel also offers positively to prove, that the tenor and terms of his sense and explication, wherein he did take the oath, is contained in that solid, learned, and pious vindication, written by the bishop of Edinburgh, in answer to the objections and alleged inconsistencies and contradictions in the oath, and which vindication was publicly read in council, and so far approved, that it was allowed to be printed and published, and was accordingly dispersed and spread abroad. And it is not of the least import, that the proclamation of the lords of privy council, although it does often allow the same to be taken by the clergy, yet, at the same time, they expressly declare the genuine sense and meaning of the parliament, not to comprehend the whole articles of the Confession, which was not cleared before the pannel's taking his oath.

And whereas it is pretended, that the acts of parliament libelled upon, against leasing-makers, depravers of his majesty's laws, do obtain and take place, wherever there are any words or expressions that have a tendency, in themselves, or by a natural consequence, and rational inferences, to reflect upon the government, or misconstrue his majesty's proceedings; and that the explication libelled is such, and that it was found so in the case of Balmerino, albeit it was drawn up by way of humble petition and address to his majesty, and with great protestations and expressions of loyalty. It is answered, the acts of parliament libelled upon are opponed, and the 43d act, parl. 8th, James VI. and the other acts making the depraving of his majesty's laws to be crimes, do expressly require, that speeches, so judged, be perverse and licentious speeches, *ex natura sua probrosa*, and reproachful, and spoke *animo defamandi*, and which could not receive any other rational construction, which cannot, in the least, be applied to, or subsumed upon the words or explication given in by the pannel; and law and reason never infers or presumes a crime, where the thing is capable of a fair and rational construction, and where it was done *palam* and publicly, and in presence of his majesty's high commissioner, and lords of his majesty's privy council, whereof the pannel had the honour to be a member, persons committing and designing to commit crimes, making use of times and places, and companies of another nature, on whom their suggestions and insinuations may prevail: but it is a violence to the common reason of mankind, to pretend, that a person of the pannel's quality, having the honour to serve his majesty in most eminent capacities, and devoted to his majesty's interest and service, beyond the strictest ties of duty and allegiance, by the transcendant favours he had received, that the pannel, in those circumstances, and in the presence of his royal highness and lords of privy council, should design to declaim, and *de facto* declaim against, and defame his majesty's government; to suppose this is absolute contradictory to the common principles and practice of law, and common topics of reason.

And as to Balmerino's case, it is answered, that the lords of justiciary are humbly desired to call for, and peruse the said petition and books of adjournal, which was certainly a defamatory libel of his majesty's father of blessed memory, and of the states of parliament, in the highest degree, being expressly, that there was nothing designed but an innovation of the protestant religion, and the subversion and overturning the liberties and privileges of the parliament, and the constitutions of the articles, and other things of that kind, which made certainly, *of itself*, a most villanous and execrable libel, containing the highest crimes of treason and perduellion, and was not capable of any good sense or interpretation, but was absolutely pernicious and destructive; so that it is in vain to pretend, that the said libel did contain prefaces and protestations of loyalty, which no law regards, even *in simplice injuria et maledicto*, though committed by a private person, *cum præfatione, salvo honore*, or the like, and which were certainly ridiculous to sustain in a libel concerning crimes of treason.

And whereas it is pretended, that though others were guilty of these crimes, it does not excuse the earl; that the lords of privy council cannot remit crimes, and the negligence of the king's officers cannot prejudge his interest: it is answered, the pannel is very confident, that neither the lords of his majesty's privy council, consisting of persons of eminent loyalty and judgment, nor his majesty's officers were capable of any such escape, as is pretended: and if the tenor of the pannel's explication did, in the least, import the high and infamous crimes libelled, as beyond all peradventure it does not, it were strange, how the same being contained in the aforesaid vindication, and the whole clauses thereof justified, that this should have been looked on as no crime, and allowed to be published. And the pannel neither does, nor needs to make further use thereof, but to convince all disinterested persons, that his explication can import no crime.

And whereas it is pretended, that the crime of treason is inferred from the fundamental laws of the kingdom, and from that clause of the pannel's explication, whereby he declares, he is 'not bound up by any thing in this oath not to endeavour any alteration in a lawful way;' which being an indefinite proposition, is equipollent to an universal, and is, upon the matter, coincident with a clause, which was rebellious in its consequences, contained in the solemn league and covenant. It is answered, that it is strange how such a plain and innocent clause, whereby, beyond all question, he does express no more than was naturally imported in the crime of treason, which no lawyer ever allowed, except where it was founded upon express law, and *luce meridiana clarior*: and indeed if such stretches and inferences can make men guilty of treason, no man can be secure. And the words in the pannel's declaration are plain and clear (yet *non sunt cavillanda*) and import no more, but that, in his station, and in a lawful way, and

peremptorily against the relevancy of the libel, and its inferring treason or leasing-making; and these two stuck by their point. The earl of Queensberry 1661.

consistent with the protestant religion and his loyalty, he might endeavour any alteration to the advantage of church and state. And was there ever any loyal or rational subject, that does, or can doubt, that this is the natural import of the oath? And indeed it were a strange oath, if it were capable of another sense, and being designed for the security of the government, should bind up men's hands to concur for its advantage. And how was it possible, that the pannel, or any other in the capacity of a privy counsellor, or a member of the parliament, would have satisfied his duty and allegiance in other terms? And whereas it is pretended, that there was the like case in the pretended league and covenant; it is answered, the assertion is evidently a mistake, and though it were, the argument is altogether inconsequential: for that league and covenant was treasonable in itself, as being a combination entered into without his majesty's authority, and was treasonable in the glosses that were put upon it, and was imposed by absolute violence on the subjects of this kingdom. And how can the pannel be in the least supposed to have had any respect to the said league and covenant, when he had so often taken the declaration, disowning and renouncing it as an unlawful and sinful oath, and concurred in the many excellent laws and acts of parliament, made by his majesty, condemning the same as seditious and treasonable? And whereas it is pretended, that the pannel is guilty of perjury, having taken the oath in another sense than was consistent with the genuine sense of the parliament, and that, by the authority cited, he doth *commento eludere juramentum*, which always ought to be taken in the sense of him that imposeth the oath; it is answered, the pretence is most groundless, and perjury never was, nor can be inferred, but by the commission, or omission of some thing directly contrary to the oath. And although it is true, that where an oath is taken, without any declaration of the express sense of the persons who take it, it obliges *sub pœna perjurii*, in the sense, not of the taker, but of the imposer of the oath; because expressing no sense, law, and reason, presumes there is a full acquiescence in the sense and meaning of the imposer of the oath; and then, if an oath be not so taken, he that takes it is guilty of perjury. Yet there was never lawyer nor divine, popish or protestant, but agree in this, that whatever be the tenor of the oath, if, before the taking thereof, the party, in express terms, does publicly and openly declare the sense in which he takes it, it is impossible it can infer the crime of perjury against him in any other sense, this not being *commentum excogitatum*, after the taking of the oath. And if this were not so, how is it possible, in sense and reason, that ever any explication or sense could solve the scruples of a man's conscience? for it might be always pretended, that, notwithstanding of the express sense wherein he took it, he should be guilty of perjury from another sense. And that this is the irrefragable opinion of all divines of whatever persuasion, is not only clear from the authority abovementioned, even those who allow reserved senses, but more especially by the universal suffrage of all protestant divines, who, though they do abominate all thoughts of subterfuges, or evasions after taking of the oath, yet they do always allow and advise, for the safety and security of a doubting and scrupulous conscience, that they should express and declare, before the taking of the oath, the true sense and meaning wherein they have freedom to take it, and for which Sanderson, *de juramento*, is cited, Prælect. 6, sect. 10, page 75, where his words are, *Sane ut inter jurandum omnia recte fiant, expedit ut de verborum sensu, inter omnes partes quarum interest, liquido constet, quod veteribus dictum, liquido jurare.* And an oath being one of the highest acts of devotion, containing *cultum latriæ*, there is nothing more consonant to the nature of all oaths, and to that candour, ingenuity, and Christian simplicity, which all law and religion requires in such cases.

The King's Advocate triplies.

His majesty's advocate conceives he has nothing to answer as to depraving, leasing-making, and misinterpreting, &c. save that this oath was only designed to exclude recusants; and consequently the pannel may thereby be debarred from his offices, but not made guilty of a crime. To which he triplies, 1mo. If ever the earl had simply refused, that had been true, but that did not at all excuse from defaming the law, for a defamer is not punished for refusing, but for defaming. 2do. If he had simply refused, the government had been in no more hazard. But if men will both retain their places, and yet take the same in such words as secure not the government, it were strange to think, that the design of the law being to secure against men's possessing who do not obey, that yet it should allow them possession who do not obey. Nor is the refuser here in a better case than the earl and others, who offered to obey, because it is the defaming the law, as ridiculous and inconsistent with that protestant religion, and leasing-making betwixt the king, and the nobility, and the people, the misconstruing and misrepresenting, as hath been formerly urged, that puts the earl in a worse condition. And all these arguments might be as well urged for any who had uncontrovertedly contravened these acts, as for the pannel.

Whereas it is pretended, that the king emitted a proclamation to satisfy dissenters; it is answered, that the proclamation was designed for none who had been members of parliament, and so should have known the sense; but it was designed for mere ignorants, not for such as had defamed the law, which is still here charged upon the pannel.

As to the article of treason, it is conceived, that it is unanswerably founded on the common law, discharging all men to make alteration of the government; as to which there needs no express statute, that being the very essence of government, and needing no laws. Likeas it falls under all the laws that discharge the assuming the royal or legislative power; for to alter the government is inseparably united to the crown. Likeas the subsumption is as clear, the express words not bearing, that the earl reserves to himself a power to propose to his ma-

1681. was not very willing to give his casting vote in this important matter, not to have the odium of it lying upon him. The other two, the lord Newton, afterwards made president of the session, for his being thorough-paced in this and other matters, with the lord Forret, well enough known, were not able to answer the reasons of the other two lords, against the relevancy of the libel. Therefore, about the middle of the night, the old infirm gentleman the lord Nairn, behoved to be wakened out of his sleep, raised out of bed, and brought into the court, that numbers might supply the want of law and reason. It was in vain to urge, that he had not been present at much of the debate, his vote was now necessary; and to supply that, when he came in the clerk was ordered to read over the reasonings, and when this was a doing, his lordship fell asleep among their hands. However, he knew how to vote, and his vote

jesty any alterations, or to concur to serve his majesty in making alterations; but owning, in most general and arbitrary terms, to wish and endeavour any alteration he should think fit for the advantage of church or state, and not determining any thing that could bind him otherwise, than according to his own pleasure, for the word 'lawful' is still subjected to himself, and has subjoined to it, 'as he should think fit,' which governs the whole proposition; and in that sense, and as the words are here set down, the greatest rebel in Scotland will subscribe that explanation, for there is no man but would restrict himself to a lawful obedience, provided he be judge of the lawfulness. And seeing all oaths, proposed for the security of government, require a certain dependance upon the legislator, and not upon the taker, it is impossible that that end could be attained by any qualification, how special soever, which is made to depend absolutely upon the taker, and not upon the legislator. And we have then seen how little security there is in these specious words, the very covenant itself having not only the words above repeated, but attesting all the world to be witnesses to their loyalty and sincerity. And as to the former instances, viz. rising in arms, or opposing the lawful successor, there is no covenanter in Scotland but will say, he will do neither, but in a lawful way and in his station, and in a way consistent with his loyalty, for a man were mad to say otherwise: but yet, when they come to explain this, they will only do it as they think fit, and will be judges themselves, and then will tell us, that defensive arms are lawful, and that no popish successor should succeed, nor no successor unless he subscribe the covenant. And whereas it is pretended, that no clause in the test does exclude a man from making alterations; it is answered, that the alterations which the test allows are none at all, but in subordination to authority. And as to the two points abovementioned, it excludes all alterations as to these points. And as to the making fundamental alterations, this reservation allows to make any alteration, and consequently fundamental alterations. To preclude which libertinism, this excellent law was invented.

Whereas it is pretended, that the pannel designs not to add any thing as a part of the law, but as a part of his oath: it is duplied, since the oath is a part of the law, whoever adds to the oath adds to the law.

Whereas it is pretended, that the crime of perjury cannot be inferred here, because all divines allow, that the taker of an oath is still allowed to declare in what sense he takes the oath, and that this is clear from Sanderson, page 175. It is triplied, that there are two dubious senses. Lawyers and divines allow, that the taker should clear himself which of the two he should take, which is very just, because, to whichsoever of the two he determines himself, the legislator, in that case, is sure of him: but here it is not pretended, that there are two senses, nor does the pannel declare in which of the two he takes it, or in what clear sense at all he takes it, which is indeed *liquido jurare:* but here the pannel neither condescends what particular clause of the test is unclear; nor, after he has condescended upon the articles, does he condescend upon the sense, but in general mysterious words where he can neither be followed or found out, he only takes it in so far as it is consistent with itself and the protestant religion, reserving the squaring all by his own loyalty, as he did in the beginning declare, that he took it in his own sense, by which general sense, neither is the government secure of any thing it does enjoin, nor could he be punished if he transgressed. Nor can it be doubted but perjury may be inferred by any equivocal or evading sense, *inter jurandum,* as well as by breaking an oath afterwards, which is very clear from Sanderson, page 138., the words whereof are, *alterum perjurii genus est interjurandum, detorquere verba.* And which is further clear by the 28 page. But above all, from the principles of reason, and the necessity of commerce and government: for if men may adhibit such glosses, even whilst they swear, as may make the oath useless, what way will either government or commerce be maintained? and he deceives as much that deceives in swearing *salvis verbis,* as he who, after he has sworn, does break the oath: nay, and more too, because the breaking may come from forgetfulness, or other accidents; but the evading by general clauses, which bind no man, does, from the first instance, originally make all oaths useless and dangerous, and that this interpretation elides the oath absolutely, is very clear from what hath been formerly debated: for it may be argued, that the earl broke the oath in so far as, the first day he swears the oath, which bears to be without any evasion (and must be so notwithstanding of whatever he could say) and the next day he gives in this evasion, which is a downright violation of that oath, and inconsistent with it; nor was this oath forced, but voluntarily emitted to keep his own places. And it was the greater crime, that it was done in the council, because that was to make it the more public, and consequently the more to misrepresent the government.

with the other two carried the relevancy, as above. When the interlocutor of the lords was read in court, the advocate proceeded to the proof; and the earl's giving in the above-mentioned explanation of the test, was soon proven by the depositions of the two clerks of council, and the laird of Lundie. Then the assize were sworn, fifteen out of the forty-five named, and they were,

Marquis of Montrose,	Lord Sinclair,
Earl of Linlithgow,	Lord Lindores,
Earl of Roxburgh,	Lord Burntisland,
Earl of Dumfries,	Laird of Gosford,
Earl of Airly,	Laird of Ballymain,
Earl of Perth,	Park Gordon,
Earl of Dalhousie,	Laird of Claverhouse.
Earl of Middleton,	

The earl was inquired if he would prove his defence against perjury, or if he had any objections to make against the assize. He declined making any defence anent his perjury, about which no body believed he was in any hazard; and told them, since what had been so well spoken against the relevancy, had been over-ruled by their interlocutor, he would give them no further trouble of objections and defences. He did not want matter of valid exception against both witnesses and assize, but said nothing upon those heads, because he saw now, that say what he pleased, he would be found guilty of treason. The advocate forgot not to threaten the assize with a process of error. Sir George Lockhart and the rest of the earl's lawyers would not speak one word, finding, after the interlocutor, all further pains would be in vain. The assize inclosed, and in a little time brought in their verdict by the marquis of Montrose, all in one voice, "and find, that the earl of Argyle hath proven against him the crimes of treason, leasing-making, and leasing-telling, and find the said earl by plurality of votes not guilty of perjury.

As soon as the verdict was opened, the council met and sent a letter to the king, "acquainting him with what was done, and plainly enough desiring leave to give orders to the justiciary to pronounce sentence upon the verdict brought in; and they give it as their opinion, his majesty after sentence should sist execution during pleasure," which they knew well enough would be as they directed.

By all the steps taken, it appeared pretty evident a design was formed against the life of this good man, and all his friends were of opinion, he ought to provide, if possible, for his own safety. A gentleman was despatched to court by the earl, who, as soon as the king's mind in answer to the council's letter could be known, came off, and outrode the bearer of the letter to the council, near twenty-four hours. By him the earl found that the sentence of death was to be passed, and a sist given to the execution, till the king's pleasure was known, and in short that evil was determined, and the king would be prevailed with to yield to the execution. Even before this gentleman came, the earl had good ground to expect the worst. He had notice sent him, that on the 21st he was to be carried down from the castle of Edinburgh, to the tolbooth, the common prison, whence condemned persons used to be carried to their execution. The duke had refused to hear any applications made in his favour. Some soldiers were ordered in towards Edinburgh, and the guards upon him were doubled, and strict orders given to keep him close in his room: and the reader will find some other reasons of the earl's withdrawing himself, in his printed case. Yet, notwithstanding of all this, the earl was very unwilling to make any essay to escape, till upon Tuesday the 20th of December, about six at night, he got his letters from London, and by seven he resolved to attempt to get out, and against eight he came out in disguise, and very narrowly escaped; for one of the guard suspected him, and took him by the arm rudely enough, but through the good hand of providence he got off undiscovered.*

As soon as the earl was out, and got off his borrowed garb, horses were ready for him by the care of his friends. Some days before Tor-

1681.

* "December 20th, 1681. This evening about 9 o'clock at night, the earl of Argyll, fearing his life might be taken, escaped out of the castle of Edinburgh under the disguise of a page, and holding up the train of lady Sophia Lindsay his step-daughter, and sister to the earl of Balcarras. No punishment was afflicted on her. Casuists do allow one to fly when he meets with injustice." Fountainhall's Decisions, vol. I. p. 167.—*Ed.*

1681. woodlee and Mr John Scot, minister of Hawick, with some others, had laid the plan of his conveyance to London at a meeting, in the event of his escape. Torwoodlee was gone from Edinburgh to his own house; and that night the earl got out, Mr Scot advised him to ride, without stopping, to Torwoodlee, and gave him a verbal token to send by his servant to that gentleman, who was to meet him at a country ale-house near by, and convoy him to Mr William Veitch's house in Northumberland. The reverend and worthy person last spoken of, was pleased to communicate with me a very particular and distinct account of their journey to London, and the many remarkable providences and strange deliverances the earl, now going under the name of Mr Hope, and he met with, which are too long to be set down here.* In short, Mr Hope and Torwoodlee came safe to Mr Veitch's house, who was at that time in the town of Berwick visiting friends, who had been very kind to him in his sufferings formerly narrated. Just when he was about to leave that place, an express came giving an account of the earl's escape, and Mr Veitch, known by some in that place, was suspected, and the gates shut, and a search made for him and other strangers; but he escaped by a singular train of providences. When he got off thence, he came to Mr Luke Ogle's house, who had been minister of Berwick, and, after his being turned out, lived in the country, some miles from it, and was by him engaged to stay till sabbath was over, and give a sermon to a gentleman and his lady near by, their good friends. Little did Mr Veitch know what company was at his house at Stanton-hall, more than thirty miles distance. This resolution he entered into on the Thursday evening; but when in bed he was alarmed with a dream that his house in Northumberland was all on fire, which awaked him with no small concern, about two in the morning. However, he resolved not to notice it, till falling asleep he had the dream repeated, with very alarming circumstances, towards the morning, which made him break his yesternight's resolution, and go homewards on the Friday.

It was Saturday before he reached his house, near to which he met Torwoodlee's servant looking after him, by whom he was, to his surprise, acquainted with the company that were at his house. The beginning of the next week, after having bought fresh horses, Mr Hope and he with two servants went off the best way they could for London. At the post-house at Rotheram, where, against their mind, they were forced to stay, letters came to the post-master there, their landlord, from the post-master at Doncaster, signifying the earl of Argyle's escape, and desiring him to examine all that came his road, and acquainting him with the *præmium* of five hundred pounds to the discoverers. The landlord at supper got the letter, and handed it to Mr Veitch, who, when he read it, put the best face that might be on the matter, and turning to Mr Hope said smiling, here are admirable good news for you and me, Argyle has escaped, and five hundred pounds is set on him; and if he be come to England, certainly he will be in these by-roads, off the post-road, and when we are riding southwards we may chance to hit him, and five hundred pounds will do us service, only I fear he ride much in these moon-light mornings: I would find in my heart to give my landlord a bottle of sack to allow his hostler to go with us early to-morrow to the great inn, four miles hence in the way to Clown, for he may readily lodge in such a single inn, and we and the servants will search the house, and if we find him, the landlord shall share of the reward. To which, the landlord replied, the hostler is at your honour's service. The sack came, and the good success was drunk, and to-morrow the hostler guided them to the house, which they searched briskly, but found no lodgers, and sent home the hostler to his master with the account, and rewarded him well. The alarm turning pretty hot wherever they came, they sent off the two ser-

* There is no doubt that the account here alluded to by Mr Wodrow, is substantially the same with that which is contained in the memoirs of Mr Veitch, written by himself and lately published by Dr M'Crie; and to this the reader is referred. It is a most interesting and curious document.—*Ed.*

vants to Nottingham to stay at an inn till further orders, and Mr Hope rode upon the horse who carried the cloak-bag, and he and Mr Veitch came to Mr Willis's house at Clapwell-hole upon Saturday night, and stayed till Monday. There Mr Veitch met with an old acquaintance of his, captain Lockey, or Lockyer, who generously undertook to conduct them safe to London, and the servants being ordered off from Nottingham to an inn at London to wait orders, they three came to Battersey some miles above London, where the captain carried them to Mr Smith's, a sugar-baker's house, whose lady was a pious, wise, and generous gentlewoman, and they were very rich, and this was the first acquaintance the earl had of Madam Smith, of whom we shall afterwards hear. She was soon acquainted who Mr Hope was, he passed a day or two for a Scots gentleman, till she sent down to the city to major Holmes a friend of hers, to provide two rooms for two of her friends, where they might be quiet and retired for some time; and when he sent word the rooms were ready, Mr Hope and Mr Veitch came down at night to major Holmes' lodgings, whom none of them knew. Whenever the major came to the room, he looking on Mr Hope, stood a little till he recovered himself, and then getting him into his arms, said, 'My dear lord Argyle, you are most welcome to me.' My lord was a little surprised, and said, 'Pray, Sir, where did you know me?' 'My lord,' said the major, 'I knew you since that day I took you prisoner in the Highlands, when you were lord Lorn, and brought you prisoner to Edinburgh castle; but now we are upon one side, and I will venture all that is dear to me to serve you.' So they were conducted to their rooms, and lurked a good time in the city, and after the hurry of his escape was over, Madam Smith brought them to a country seat of hers at Brentford, seven miles of the city; where I shall leave them for some time. We shall meet with them there, and in Holland, in the following years.

After this digression, which coming from the first hand, will not, I hope, be unacceptable, I return to Edinburgh, where the earl's escape was as vexing to the managers, as it was satisfying to others. *Next day, the 21st, the council* 1681. emit a proclamation anent the earl of Argyle, which I have inserted below.*

---

* *Proclamation anent the earl of Argyle, December 21st*, 1681.

CHARLES, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, and to all and sundry our good and loving subjects, greeting: forasmuch as Archibald earl of Argyle, being (for a treasonable paper, wherein he had defamed our parliament and laws,) found guilty, by the verdict of an unanimous jury, of leasing-making betwixt us, our parliament, and people, of reproaching our laws, misrepresenting our government, and of the crime of high treason, in usurping our authority, he was notwithstanding kept at large, without any such restraints as are usual to persons so found guilty. And now he having, upon the twentieth day of December instant, escaped, adding the breach of prison to his other crimes, and without waiting for that clemency which he might have relied more upon, if he had not been conscious to himself of guiltiness that required such an escape, we having, by our royal letter, ordained all execution to be sifted, until we understood the nature of his crime; and our privy council having, after the verdict, interposed with us, that notwithstanding he was found guilty, and that it was usual for completing the process, that sentence should be once pronounced, that yet we might, in our clemency, ordain execution to be stopped, during our royal pleasure; our will is herefore, and we charge you straitly and command, that incontinent, these our letters seen, ye pass to the market-crosses of Edinburgh, Stirling, Perth, Dumbarton, and other places needful, and thereat, in our name and authority, by open proclamation, command and charge all our sheriffs, stewards, magistrates of our burghs of regality and royalty, and all others in jurisdiction, to pass, pursue, take, apprehend, imprison, and present to justice, the person of the said Archibald earl of Argyle, wherever he can be found, within the bounds of their jurisdictions; and if he happen to flee out of one jurisdiction into another, that they pursue him within the same: and we hereby require and command all our good and loving subjects, to concur with, aid, fortify and assist our said magistrates, in the prosecution of this our service. And, if the said earl of Argyle shall happen to flee to strengths, or houses for refuge, that our said magistrates, and others assisting them, assiege and take the same in by force of arms: and if it shall happen, that the said earl of Argyle, or any of his accomplices, (resisting to be taken,) be killed, mutilate, or slain by our said officers, or any assisting them, we declare they are hereby indemnified, and shall never be brought in question therefore, civilly nor criminally, in all time coming. And further, that ye, in our name and authority foresaid, prohibit and discharge all our subjects of this our kingdom, to reset, supply or intercommune with the said earl or his accomplices, or to furnish him meat, drink, house, harbourry,

1681. Therein they make the king declare the earl's explanation a treasonable paper, and him guilty of high treason, before the justiciary had pronounced sentence. Indeed this sovereign and grave court, at this time, were but tools to the council. They add, that he was kept at large without any such restraints as are usual to persons found guilty. It is certain he was not judiciously found guilty, and we have heard what restraints and double guards he was put under, and how every thing was hasting to his execution. Then all are ordered to assist in apprehending him, and every one prohibited to assist him or his accomplices, or furnish him with any thing comfortable, under the pains of treason. That same day the council send up this proclamation by a flying packet with a letter to the king, signifying "the earl's escape, as they say, from distrust of his majesty's clemency, though to it he owes both his life and fortune, and desire to know what measures they shall take after so high and atrocious a violation of the laws." At the same time his royal highness acquaints the council, that after the earl of Argyle was found guilty by the verdict of the assize, the laird of Lundin desired to know if the earl should be kept more strictly than formerly; he gave his opinion it was not fit to alter the manner of his imprisonment. And the council discharge the said Lundin of all hazard and danger from his escape. The earls of Strathmore, Perth, Dumfries, Queensberry, register, and Sir George Kinnaird, are appointed to examine all persons suspect guilty of the earl's escape.

Upon the 22d of December, the council had his majesty's return to their letter, allowing sentence to be pronounced against the earl, but sisting all execution until his pleasure was farther made known to them. When the bird was flown, there was some little hesitation among them, whether the justice court should be ordered to pronounce sentence of forfeiture of life and fortune, in absence. I have formerly noticed the arguments made use of as to this subject, upon other occasions. In short, it was urged by the moderate party in council, that no more could now be done, but the declaring him fugitive and outlaw, at least by our old Scots law; and that even in cases of treason, it is only the parliament can forfeit in absence. The first instance to the contrary was that of Pentland, but in that case an open rising, as they termed it, a rebellion was notour, and little prospect of any parliament's sitting; but this was far from being the earl's case. It was further urged, that it is a known maxim in law, "that in criminal actions there neither is, nor can be any other conclusion of the cause, than the party's presence and silence." And strictly speaking, the earl had never been heard in his own case himself, for in his speech he had not indeed entered on the merits of the cause. However, the pronouncing sentence carried in council, and to-morrow the council's act was presented to the justiciary. The countess of Argyle hearing what was done, gave in a petition to the justiciary, humbly craving, that no sentence might pass in her lord's absence, with many reasons in law backing her desire; but the council's advice was now a law to the criminal court, and, without ever being at the trouble to give any answer to the lady, they went on to pronounce the following sentence.

"Forasmuch as it is found by an assize, that Archibald earl of Argyle is guilty and culpable of the crimes of treason, leasing-making, and leasing-telling, for which he was detained within the castle of Edinburgh, out of which he has now, since the verdict, made his escape; therefore, the lords commissioners of justiciary, decern and adjudge the said Archibald earl of Argyle, to be executed to the death, demeaned as a traitor, and to underly the pains of treason, and other punishment appointed by the laws of this kingdom, when he shall be apprehended, at such a time and place, and in such manner, as his majesty, in his royal pleasure, shall think fit to declare and appoint; and his name, memory, and honours

---

or any other thing necessary or comfortable to him, or to transport him to or from ferries, under the pain of treason.

Given under our signet at Holyrood-house, the twenty-first day of December, one thousand six hundred and eighty-one, and of our reign the thirty-third year.

Per actum dominorum secreti concilii,
WILLIAM PATERSON, Cl. Secr. Concilii.

to be extinct, and his arms to be riven forth and delete out of the book of arms, so that his posterity may never have place, nor be able hereafter to bruik or enjoy any honours, offices, titles, or dignities, within this realm, in time coming; and to have forfeited, amitted, and tint all and sundry his lands, tenements, annual-rents, offices, titles, dignities, tacks, steddings, rooms, possessions, goods and gear whatsomever pertaining to him, to our sovereign lord, to remain perpetually with his highness in property, which was pronounced for doom.

The injustice of this sentence needs not be exposed, after what hath been already said. The parliament, after the revolution, was so sensible of the hardships of it, that they not only repealed his attainder, as the author of the Memoirs of North Britain, who has some blunders in his trial, remarks; but allowed his son to bring an action of damage, for a considerable sum, against the heirs of those judges who condemned his father. I wish the writer of that book had not charged all the forty-five assizers, as the base betrayers of the earl of Argyle, and as his judges, and signers of his verdict. He omits indeed the chancellor of the assize, and the laird of Ormiston, and inserts Mr Francis Montgomery, and the laird of Lammington. These three, and probably others named, were very far from approving what was done as to this noble lord, and we shall meet with two of them suffering themselves just now, and imprisoned and harassed before courts. The author's mistake has been the confounding of the forty-five, out of which the fifteen assizers are chosen, with the assizers. The slump number he has taken, as the list is ill printed, from the Scots Mist, without knowing that these worthy persons could not hinder themselves from being named on the forty-five, but, by undergoing a fine, could stop their being of the fifteen, and so ought not to be charged with this sentence. As the sentence was unjust, so, for any thing I can see, the execution of it, as far as lay in the justiciary's power, was treason, and flatly against the king's letter. His majesty had peremptorily sisted all execution, and yet the sentence was not only pronounced for doom, in the court, and at the cross, but the earl's coat of arms was torn and renversed. This was undoubtedly a part of the execution of the sentence, and to me appears to be treason, greater sure than what the earl had been guilty of, being forbid by the king, and illegal, yea, contrary to law, if we allow the advocate's own judgment, Criminals, page 61, "That this ought to be done in the crime of perduellion only, and not in other treasons." 1681.

In the earl's printed case, the reader will find what that excellent person designed to have delivered in his own justification before the justiciary; providence gave things another turn, and there was no occasion to deliver it, and it is too large to be inserted here. I only remark that the earl did not expect so grave and cautious a court, as the justiciary ought to be, would have passed an interlocutor upon the 12th of December, after twelve hours' reasonings before them, and after ten of the clock at night, and in such a manner as hath been observed, and that without ever calling him, or requiring and considering the sense he gave of his own words. He complains likewise, that several of his assizers were evidently parties; and, if I mistake not, the plurality of them were so, having, as privy counsellors, ordered his imprisonment, signed the letter to the king, which was a petition for his trial, yea, ordered his process, and gives several reasons to prove they were plainly perjured. Then he inserts some excellent rules laid down in criminal matters, by that great man Judge Hales, which not being long, deserve their room here. 1st. Not to be rigid in matters purely conscientious, where all the harm is diversity of judgment. 2d. That popular or court applause or distaste, have no influence on any thing is to be done in point of distribution of justice. 3d. That in a criminal case, if it be a measuring cast, then to incline to mercy and acquittal. 4th. In criminal things, which consist only of words, where no harm ensues, moderation is then no injustice. 5th. To abhor all private solicitations, of what kind soever, and by whomsoever. 6th. In matters depending, not to be solicitous what men say or think, so long as the rule of justice

1681. is exactly kept. 7th. And in the last room, never to engage themselves in the beginning of a cause, but reserve themselves unprejudged, until the whole business be heard." In the next room, he makes his additional defences in four generals, which are, "1st. The absolute innocence of his explication, in its genuine meaning, from all crimes or offence, far more from the horrible crimes libelled. 2d. The impertinency and absurdity of his majesty's advocate's arguings, for inferring the crimes libelled, from the earl's words. 3d. The reasonableness of the exculpation. 4th. The earl's answers to the advocate's groundless pretences, for aggravating his case."

I cannot pretend to give an abstract of the application he makes of them to his own case, it is so full and particular; only, upon the third head, he justly gives the case of bishop Cranmer, which is almost parallel to his own, from Fuller's Church History, book 5, p. 185, 186. The publisher of the earl's case, who, if I be not misinformed, was an eminent lawyer, and fellow-sufferer with his lordship at this time, concludes with several citations out of Sir George Mackenzie his printed books, and from them makes it evident, that Sir George premeditately gives it as his opinion, and prints it, "That an act of parliament," which he disliked, "is most unreasonable, most unjust, and, in its reason, most inept; and that it puts a sharp sword in the hands of blind men." Which is a great deal more than ever could be inferred, yea, than was pretended to be inferred from the earl's explanation of the test, for which he was sentenced.

And this brings it in my mind to observe, that the earl's escape was the occasion of a great deal of trouble to Mr Stuart, since the revolution Sir James Stuart of Goodtrees, formerly mentioned. This great lawyer was employed in private, (for he could not plead in public without taking the oaths) to draw up the state of the earl of Argyle's case, to be sent up to London with the gentleman the earl despatched. Three copies were writ of it by his servants; and before he sent them to the earl, he caused them to be read over, holding one of the copies in his own hand, upon the reading of which, he made an amendment or two with his own hand upon the copy he held, and the two servants amended the other two copies. He sent all the three to the earl, and desired that copy, with his hand on the margin, might either be returned or destroyed; the other copies were sent up to London, and the third was found in the earl's coat-pocket, after he escaped from the castle. The paper was very home and close, and abundantly heavy in point of argument, and consequently not a little irritating to the counsellors. The amendment was soon known to be Mr Stuart's hand, and the paper concluded to be his. Whereupon a party was sent to his mother's house, the excellent lady Goodtrees, but he was happily abroad. His two servants, Mr Spence, and Mr Montgomery, now laird of Langshaw, were next searched after, but they thought it convenient to step out of the way a little; and Mr Montgomery, though but a youth, found he was not in safety in Edinburgh, and was obliged to retire to Ireland to his relations, where he continued much till the liberty, in the year 1687. From this gentleman last named I have this account; and when I name him, I must acknowledge my obligations to him, for his obliging kindness, in allowing me access to the criminal books, and giving me several valuable hints of the severities of this period, which he had from his worthy father, whom we shall meet with in a year or two. Mr Stuart was obliged, after lurking a while, to retire to Holland, where he continued until the toleration; afterwards he will fall in more than once, before I end this work.

Thus, as briefly as I could, I have run through this strange and unaccountable treatment of the truly noble earl of Argyle, to which, in all its circumstances, I think history scarce affords a parallel, unless it be their own murdering this great and good man upon this very sentence, near four years after, when indeed, as things then went, they had much more to lay to his charge.

When I laid before the reader this large account of the earl of Argyle's trial, not a

few reflections might be made upon the narratives given of it by the English writers. Bishop Kennet gives a very fair account of the parliament's procedure, where the foundation of the displeasure taken up against the earl, was laid, when he tells us, "that the duke of York had this year an obsequious parliament in Scotland, who being first amused with an act ratifying the protestant religion, fell readily into another act, asserting the right of succession; after which they made another for a standing army, act continuing the supply, and concluded with the test act. The earl of Argyle moved for a security against a popish successor; (but he is mistaken when he adds) he was immediately committed." Dr Sprat's account of this matter is very unjust; and, it seems, hath led Mr Eachard into that ill-natured account of the earl, in the first edition of his history, vol. iii. page 646. The archdeacon has been so fair, as in his appendix, to retract what he had written, and to make the following acknowledgment before this amendment. "Upon a review of the earl of Argyle's case, I find, that my account, chiefly taken from Dr Sprat, was somewhat too crude and partial." His amendment the reader may take in his own words. "This zealous and active man, (the earl of Argyle) increasing in power and lustre, after his father's and own forfeitures, seemed to be marked out by his royal highness, though he had given some signal instances of loyalty, before as well as after both their prosecutions; for, during the sitting of the parliament, he did not only endeavour to hinder the passing of the test, (which was as much against popery as fanaticism) but when it was in debate, he was the person that spoke against 'excepting the king's brothers and sons' from taking that oath then intended, or declared for the security of the protestant religion; for which he was afterwards told by a bishop, 'That that had downright fired the kiln.' Accordingly, when he was to take this test, as one of the privy council, and had declared, that he would not do it but with a reserve of his own explanation, he was shortly after made prisoner in the castle, as guilty of defaming the king's laws. And though his explanation was no more than what the council itself thought fit to allow for the satisfaction of the people; yet the actions of his father, as well as his own, seemed to have made such an impression upon the duke of York, that he was resolved to humble his greatness, and therefore caused his interpretation to be scanned and sifted to that degree, that at length his advocates found a latent piece of treason in it. Upon which he was brought to a formal trial, with great solemnity; and, after many strains of eloquence, and uncommon aggravations, he was found guilty of treason, and had sentence of death passed upon him, but with reserve of execution. One thing aggravated against him with plausibility, was his being condemned and pardoned in the year 1662. But that condemnation was thought so hard, that the king then declared, 'it was impossible to take a man's life upon so small an account.' And the lord chancellor Clarendon blessed God, 'that he lived not in a country where there were such laws.' This prosecution was thought no less severe and unjust, insomuch that in the great claim of right, 1689, it was, by act of parliament, annulled, and ordered to be expunged and rased out of the records. The court gave it out, that there was no design upon his life, but only the forfeiture of some eligible jurisdictions and superiorities, which seemed to have been the first motive towards the prosecution. But the earl finding the heat of his pursuers, made his escape; whereupon he had all the marks of dishonour denounced against him, as were by national custom due to traitors. This gave rise to new disturbances; and the earl, now desperate in his fortunes, never left pursuing his revenge, till he met with his own destruction." I could make several observes on this author's amendment, were it worth while. I don't well understand his meaning, when he says, In the great claim of right, in 1689, it (the earl's prosecution) was by act of parliament annulled, and ordered to be expunged. I can more easily pass his ignorance of our Scots forms, which seems to bewray itself here, than his severe turn upon the earl in the close of the paragraph. When we come forward

1681.

1681. to what he calls new disturbances, we shall find it was neither a desperate fortune, nor a pursuit of revenge, but his regard to the sinking interests of the protestant religion, and the liberty of his country, led him to this new attempt; and when Mr Eachard had seen himself imposed upon in his first account, I wish for his own sake, he had softened his expressions as to this noble and excellent person.*

SECT. VIII.

Of several other things this year, which fell not in on the former Sections.

I COME now to take notice of a few things I have passed during this year, which may tend a little to the clearing of the history of this period; and I set them down much in the order of time.

In the beginning of this year, the council were much taken up in prosecuting some boys in the college of Edinburgh, for their burning of the pope, on the 25th of December, 1680. This the duke of York could not bear, and a great inquiry was made about it. The matter of fact, as far as I can gather it from some missive letters writ at this time, was thus. Some of the students that day brought up to the head of the Cowgate, the effigies of the pope in his robes, with his keys, mitre, and triple crown; and after they had excommunicated him, they carried him about in a chair, of the same form with that wherein he is elected at Rome, to the foot of the Black-friars Wynd. The boys knowing the thing had taken air, and that the soldiers and guards were ready to oppose them in the high town, gave it out that they were to carry his holiness in procession to the Grass-market, the place of the execution of criminals; upon which the guards, little expecting such a trick, went all down towards the Grass-market. Meanwhile, the boys turned up with their procession by the Black-friars Wynd, towards the High-street, three of them going before with kindled torches. When they came to the

* In Law's Memorials (p. 210—217,) we have some additional particulars of Argyle's trial and escape; and the editor has added a curious original poem addressed by the earl to his daughter-in-law on occasion of her important share in his escape.

In a very curious and valuable work lately published, entitled, "Historical and descriptive account of George Heriot's Hospital," we have recorded from an old MS. an adventure of the boys in that Institution, in the way of a "testimony" by them against the folly, absurdity, and oppressive nature of this test. The absurd reasoning of the crown lawyers on Argyle's trial became the subject of merriment to the boys, and resolving to act upon so sage a precedent, they voted that the *dog* which guarded the outer gate possessed a "*public office*," and that he ought to take the test, or be turned out of his place. A printed copy of the oath was therefore tendered to this sagacious functionary, who, after smelling, refused to take it. It was then rubbed all over with butter, and having been presented to him again in the form of a ball or roll, he took it very readily into his mouth, but it soon appeared that instead of swallowing it entire, he only extracted from it what was agreeable to his taste, and the tougher and less nutritious parts of the dose he, bit by bit, spat upon the ground. "The advocate said this was the test, and that all his irksome champing and chowing of it, was only, if possible, to separate the concomitant nutriment, and that this was mikel worse than ane flat refusal; and gif it were rightly examined, wold, upon tryal, be found not lesse than leiseing making." After a tedious and really ludicrous trial, the dog was brought in as guilty of "*leiseing-making*," which was exactly Argyle's sentence, and like him he was condemned to death. "As the lounes were removing him from court to prison, ther chanced a curat to be present, who asked, what was the mater? what ailed them at the dog? One of the limmers answered, that he, being in public trust, was required to take the test, and had both refused it and abused it, whereupon he was to be hanged. The curat storming said, they deserved all to be hanged for such presumptuous mockery: the lounes laughing aloud, cryed out with one consent, that he and his brethren deserved better to be hanged than any of them, or the tyke either, since they had swallowed that which the tyke had refused." See "An account of the arraignment, tryal, escape, and condemnation of the Dog of Heriot's Hospital in Scotland, that was supposed to have been hanged, but did at last slip the halter." The original is in the advocate's library, and it appears to have been published at the time in London, but is now extremely rare. It shows the public feeling at the time, and forms altogether a most galling satire on the trial of the noble earl. "Lord Halifax told King Char. II. he understood not the Scots law, but the English law would not have hanged a dog for such a crime." Fountainhall's notes, p. 21. The editor of this work, Sir W. Scott, makes the following remark in a note: "Every lawyer of common sense or ordinary conscience will be of the same opinion. Lord Clarendon, when he heard the sentence, blessed God that he lived not in a country where there were such laws—but he ought to have said, such Judges."—*Ed.*

High-street, at the head of the Wynd, finding they could go no further, the chair was set down, sentence was passed upon his holiness, and he condemned to be burned, and accordingly the torchmen drew near, and did their work, and by the help of gun-powder the effigies was blown up. This was about ten of the clock, and as soon as the chair appeared at the head of the Wynd, Linlithgow, his son, and some soldiers made an attack upon the boys with sword in hand. They stood their ground, and warned him to beware whom he struck, for he had relations among them, and got their business done. The rise of this appearance the students made, was this, as I am informed by one of them, now a reverend minister of this church. Several of them happened to be together in a tavern, where there was hanging a copper-plate, representing the manner of burning the pope at London, which pleased them so, that in a very little they entered in a concert to do the same at Edinburgh. The matter came to take air, and Mr George Ridpath, who had been very active in the project, was seized and put in prison the very day before the design was to be executed, and a severe search made for the effigies, but in vain. As we have seen, the scholars got their business done, but next day several gentlemen's sons were called before the council, and particularly examined whether any presbyterian gentlemen or ministers did contrive, assist, or direct them in burning the pope; they all declared, they did not. The chancellor was civil and favourable to the young gentlemen. The bishops endeavoured to ensnare the scholars with questions about their conformity, and other captious heads; however, no advantage was got of them, and they were dismissed that day. Only Mr Ridpath then entering upon his philosophy, and a youth of a promising genius, was very hardly treated. Sir William Paterson was rude to him, and, I am told, he was beat, and had his hair torn by the council servants; and either by the council, or their committee, he was banished his native country, for no other cause than his accession to this matter. This gentleman is so well known, since the happy revolution, by his appearances in favour of his country and mother church of Scotland, and his suffering for his steady adherence to the protestant succession, when in the utmost hazard, that I need say nothing of him. His modesty is such, as though I sought and expected from himself an account of his sufferings at this time, in consequence of the friendship he hath favoured me with now for many years, he hath still declined this piece of justice to himself, otherwise the reader might have had distincter accounts of this matter. 1681.

About the same time the same spirit was working at Glasgow, in a different manner. They only put on favours, and coloured ribbons, and other marks of distinction, as, they said, tokens of their being protestants. For this, several of their leaders, and particularly the present marquis of Annandale, then a student there, were called before the masters and archbishop. Annandale defended himself and his fellows, with briskness enough, and speaking to the bishop, called him only Sir. Mr Nicolson his regent took him up, and said, "William, you do not understand whom you speak to, he is a greater person than yourself." Annandale very quickly answered him, "I know the king has been pleased to make him a spiritual lord, but I know likewise that the piper of Arbroath's son and my father's son are not to be compared;"* and added, he had the vanity to say, he had more noble blood in his veins, than all the four men put together. Nothing further could be made of this.

At Edinburgh, several of the students were imprisoned, besides Mr Ridpath, which irritated the rest so far, that they threatened to burn the provost's house at Priestfield, who, they reckoned, should have interposed in behalf of the students, since the town of Edinburgh are patrons to the college, and yet, it seems, he had been very virulent by his proclamations and otherwise

* Arthur Ross was the name of this bishop. Bishop Burnet says, "He was a poor, ignorant, and worthless man, but in whom obedience and fury were so eminent, that these supplied all other defects." He was afterwards, in 1684, raised to the primacy of St Andrews, and was the last person who filled it.—Vol. I. p. 327.—*E. I.*

against them. And in a few days the
1681. house of Priestfield was accordingly burned; whereupon the council emit a proclamation, January 13th this year, offering two thousand merks and a remission, to any who would discover the actors. But I do not find any discovery was made; yea, some wanted not their jealousies, his house was burned with a view to bring an odium on some people who had not the least share in the burning.*

January 4th, the masters of the college of Edinburgh present a petition to the council, declaring their abhorrence of the late tumultuary gathering of their scholars and others, December 25th last. The council remit it to the committee for public affairs, and so I can give the less distinct account of what was done. In the council-books I meet with what follows, January 6th. "The lords of privy council considering, that bonds and combinations have been entered into by the students of the college, and several tumults raised thereupon in the city, and the government itself is defamed by them, ordain the magistrates of Edinburgh instantly to cause shut the college gates, and cause the classes be dissolved till further order, and ordain the said magistrates to appear before the council, that they may hear what they have to offer for the security of the city, and the king's peace therein."

Upon the 21st of January, the council emit another proclamation concerning the students in the college, wherein they charge them with entering into bonds and combinations, "obliging themselves to adhere one to another, in case any of them should be called in question, which, they say, appeared from the confessions of the masters and some students: they complain likewise of their assembling, December 25th last, in a tumultuary way, (but not a word of burning of the pope) and associating themselves with apprentices, and introducing a new way of tumultuating, by putting up blue ribbons as signs and cognizances; and that being justly threatened for these things, they made tumults in the streets, disquieted the nobility and gentry in the streets, and threatened the provost with burning his house, which in a few days was done. Whereupon the council by an act of this day's date, having ordered the college gates to be shut, till they take further trial thereanent, do now command all the students to retire fifteen miles from Edinburgh, within twenty-four hours, and not to come within the said limits without leave of the council, under the pain of being treated as seditious persons." This matter ended in an act of council February 1st, ordering all the students to take the oath of allegiance: and if the masters accept of any scholars otherwise, they are *ipso facto* to be deposed, as it bears at more length below.†

* "Sir James Dick, provost of Edinburgh, his house of *Priestfield* was burned about 8 at night, 11th January, 1681, by the colleginers, others said by himself, (which was false) yet the college gates were shut up, and the boys banished 15 miles from Edinburgh. Some allege the interdict upon the college was contrived by the bishop of Edinburgh, Paterson, to get out Mr Andrew *Cant* from being Principal, and his brother, Mr Robert Paterson, to have got his place."—Fount. notes, p. 7. These incidents convinced the discerning Churchill, (afterwards duke of Malborough,) "that the duke of York was not in a condition to *maintain* himself in Scotland, if the king his brother did not support him there." "They have burned," says Barillon in his despatch to Louis XIV. "they have burned the house of the provost of Edinburgh: he is the first magistrate of the city, and has the same functions with the mayor of London. It is believed that the students who burned the pope in effigy, set fire, during the night, to the provost's house, which is but a mile from Edinburgh."—Dalrymple's Memoirs, p. 365.—*Ed.*

† *Council's act about the college of Edinburgh, February 1st,* 1681.

Forasmuch as there being a petition presented to his majesty's privy council, by the magistrates and council of Edinburgh, and principal, masters, and regent of the college thereof, desiring, that upon the considerations therein contained, and upon the *obligements* offered by them, they might be allowed to make open classes, and receive the scholars, notwithstanding of the late act and proclamation of council: the lords of his majesty's privy council, upon consideration of the foresaid petition, and of a report made by a committee of their own number, in the said matter, do allow the magistrates of Edinburgh, principal, masters, and regents of the college thereof, to make open the said college, notwithstanding of the late act and proclamation; and do ordain the said magistrates, before re-entry of the students, or any other students to be entered for this year, to take their fathers, tutor, or friend, cautioner for them, by bond, for their orderly and peaceable behaviour, in time coming, and according to the bond, and

Upon the 17th of February, the duke of York moves in council, that in regard of the young years of many of the students in the second and third classes, the oath prescribed by the act of the first instant be delayed till they enter the fourth class, they not being in a capacity to understand the nature and import of an oath, and that the penalties in the bond be mitigated one-half. The council go into both.

In January this year the laird of Lundin gets a patent to be master of the artillery. February 24th, the lord Livingstone is admitted a privy counsellor. June 2d, the king by a letter declares he has continued the command of the castle of Edinburgh with the duke of Lauderdale, and in his absence the laird of Lundin, and that they are only to receive the commands from the king or his commissioner. In July, the earl of Dumfries, and the earl of Antrim are made privy counsellors. That same month John Maclurg and Humphrey Clark, are examined by the council for having a scandalous paper in their coffee-house, called the gazette, and imprisoned. January 20th, finding that John Maclurg's coffee-house is a receptacle of disaffected persons, order the magistrates of Edinburgh to shut it up, and call for all the masters of other coffee-houses or houses of intelligence, and take them bound under five thousand merks, that no newspapers be read in their houses, but such as are allowed by the officers of state. And March 8th, John Maclurg, upon his petition, is allowed to open his coffee-house under the same bond with the rest. 1681.

In the beginning of February, the duke of York went to see Linlithgow and Stirling. A printed account of his progress, and the noblemen and gentlemen who waited on him, is before me, where there is little remarkable, but a design to make a parade, and to affect somewhat of the state of our old kings, before he came to the throne, and render himself a little more popular. After the parliament was up,

---

under the penalties aftermentioned, viz. a nobleman's son, under the penalty of four thousand merks, a baron or chief gentleman, two thousand merks, a merchant or burgess's son, one thousand merks, the son of a tradesman, or person of other inferior quality, five hundred merks Scots money; and that the said magistrates be answerable for the sufficiency of the cautioner, and report an account of their diligence once every month, until the ordinary time of the rising of the college. Follows the tenor of the bond abovementioned. "I bind and oblige me, my heirs and successors, as cautioner and surety, acted in the books of privy council, for student in the college of Edinburgh, that the said shall, during the whole time and space that he shall remain a student in the college of Edinburgh, and a member of that society, live orderly and peaceably, and that he shall not be accessory to the breach of the public peace, neither by his knowledge, causing, sending, hounding out, or ratihabition; and that he shall engage himself in no unlawful bonds or combinations, or shall be accessory to any tumults or unlawful convocations under the penalty of in case of failie: consenting thir presents be registrate in the books of privy council, that letters of horning on six days, and others, may be direct hereupon, and constitutes my procurators," &c. And further, the said lords do ordain the principal and regents of the said college, before they receive any of the students of the three upper classes, being the semi, batchelor, and magistrand classes, into their said respective classes, to see them take the oath of allegiance, in presence of the bishop of Edinburgh, which is not to hinder the taking of the said oath by such as shall receive degrees. And the said lords declare, that in case the principal or regents shall re-enter any of the said students, or receive others, without giving in the security, and taking the oath of allegiance, as aforesaid, then and in that case, the principal and regents shall, *ipso facto*, be deprived of their said offices and function in the said college, and their places ordained to be declared vacant, by the magistrates of Edinburgh, patrons of the college, and they allowed to appoint others to supply the same. And the said lords do ordain, that before the said students re-enter, or new students be received in the said college, such students first engage under their hands, before the bishop of Edinburgh, (when they take the oath of allegiance,) that they shall keep the church, and wait upon divine worship, according to law, which the said principal and regents are hereby ordered to see done, and not to receive into the said college, any such students, entered or to be entered, without doing of the same, under the certification aforesaid. And the said lords do ordain and appoint, that at the visitations of the other universities of the kingdom, the foresaid rules for taking the oath of allegiance, and engagements to keep the church, be put in execution in these respective universities, and that the principal, masters, and regents thereof, return to his majesty's privy council, an account of what obedience has been given to their act, enjoining the students to take the oath of allegiance at their laureation; and the said lords do discharge any of the rest of the universities, to receive any such students as have left or shall leave the college of Edinburgh, upon the account of their refusal of the engagements abovewritten, as they will be answerable.

1681. toward the beginning of October, the duke made another progress to Glasgow. I find no printed accounts of that as of the former, and one would think they might both have been spared, since he came down to Scotland as a sanctuary. He was entertained in the best manner the country could afford, and no small charges were bestowed upon regaling him and his attendants. He declared himself highly pleased with the respect showed him, but, it seems, forgot all this, when he would have all the five western shires turned to a hunting field. His mirth at Glasgow was a little spoiled by an incident. One of the society people put a paper into the duke's hand when coming down the street. The duke received it as it had been a petition for charity; but it was a protestation, whereof a copy is before me, which I need not insert at length, being much the same with that of Robert Garnock and others before spoke of. The penners of it protest against "the king in all his tyranny, heading, hanging, quartering quick, stigmatizing, scourging, drowning in seas, and oppressing the people of God, his usurping over conscience, and assuming that power that is due to none but Christ alone. They add, that what he cannot do himself, having sinned away his wisdom and parts with his harlots, he hath made over to a professed papist the duke of York, and protest against his being sent to Scotland to execute his policy, and cheat people, first out of their souls, and then out of all other things. They protest likewise against the late dreadful bond the test, which so avowedly renounceth the covenants, to which all were once sworn, and the king himself, and therefore bound to maintain presbyterian government with their lives and fortunes: therefore they protest against the king and all who act for him, and particularly against welcoming a papist to Scotland, with a draught of the blood of saints at two different times, the welcoming him to Glasgow with ringing of bells, bonfires, &c. Whereas, say they, he ought to be punished with such loading punishment as the word of God allows to be put upon professed idolators. In a word, they protest against his sending in his baggage and provision to the town on the Lord's day, and against the magistrates and all who received him." When the paper came to be read, the duke did not find it proper to notice it much, but it turned him a little sullen and thoughtful; and it was observed he hasted out of Glasgow after the receipt of it. I do not find the giver or authors of it were discovered by the government.

This was a softer protestation than several papers emitted at this time by the high-flyers. One of them, affixed upon the church of Kettle, April 3d this year, fell into the council's hands, and they caused print it to expose the suffering people. But it was a very few who ran those lengths even among Mr Cameron and Cargill's followers, and the other oppressed sufferers disowned, and as much differed from those extremities as sober persons could do. It is not worth while to give the reader any extract out of this inconnected paper; the writer of it disowns the king's authority, renounces him and paying cess to him, or tiends to Mr John Barclay episcopal minister in that place, and gives his reasons to prove the king a tyrant, and Mr Barclay a thief and robber. This Russel, or another of his name, turned very insolent and uneasy to the people of the societies when formed in meetings, because they would not come up to his extravagancies, as I find by their registers.

But Gib and his followers made the greatest noise of any of this gang, and I shall give some little hint of them here, and from them probably many of these heights came. The raveries and blasphemy emitted by John Gib, once a master of a ship in Borrowstonness, Walter Ker, David Jamison and John Young, are not indeed worth the noticing, were it not that the publishers of their paper in the title of it class these madcapes among the fanatics, the name given ordinarily to presbyterians: yea, the publisher of Sir George Mackenzie's vindication, London 1691, page 36, hath the impudence and villany to couple Gib's senseless paper with the solemn league and covenant, and publish it, as he says, to inform strangers of the seditious principles of the Scots presbyterians. This horrid imposition upon the

world, under so great a name as that of the king's advocate, hath brought me to give some account of this matter. I have formerly regretted the manifold temptations poor ignorant people had at this time, to run to enthusiasm and ravery upon the one hand, and atheism and irreligion upon the other. Presbyterian ministers who had been careful in instructing people in the foundations of religion, and the catechisms of this church, and were at singular pains upon the youth, were now all almost turned out. Their successors in the churches were generally ignorant or vitious, and totally neglected catechising; and indeed such were the people's prejudices at them, that as they were neglective and lazy, so people would not subject to such of them as were willing to take any pains: and it is not to be wondered at, that some turned wild and monstrous in their opinions; and, no doubt, the extremities run to by some in conversation, and unhappy divisions among the suffering party, helped all on. It is much easier to set a people a going to extremities in a broken time, than to put a stop to them: and that Mr Cargill found and regretted, for though he took much pains to reclaim Gib and his followers, yet it was to very little purpose. There was undoubtedly too much of an inclination at this time, to insist and debate upon public matters, as they were termed, to resent the faults of persecutors, and apostacy, as it was called, of friends; and real religion, faith, patience, and mutual forbearance, were too much neglected. And perhaps the apprehensions of singular and extraordinary judgments upon the land, expressed by some worthy persons at their death, possessed the minds of many, and were presumptuously shaped by the more ignorant, according as their fancy, not a little heated by oppression, led them, and particular determinations were made, who would suffer by them, and who escape. Thus we had too many bold and peremptory assertions, prophecies, and other things, whereby Satan played his game, and many were deluded. When things were in this posture, John Gib, and some few with him, laid aside all business, pretending to spend all their time in fasting, prayer, and other acts of devotion, came out from Borrowstonness taking their way south and west. Where they came they enjoined public acknowledgments to be made by all persons guilty of compliance, hearing the curates, and the like; and Gib, as spokesman, took on him to rebuke, reject, or receive into fellowship with them. Their zeal and seeming devotion made many run to them, and they came the length of the parish of Strathavan making proselytes. There happened to be in the neighbourhood three worthy and judicious men upon their hiding, I think, or business, James Gray of Chryston, James Sloss, afterwards bailie in Glasgow, and James Baird: some of their acquaintances besought them to go with them to a meeting where Gib was to be. They yielded, and when they came, Gib was with a considerable company toward Eaglesham muirs. He was entertaining the people with calls to leave their business, and join with him in extraordinary acts of fasting, &c. and that in a very insolent and authoritative way. These three entered a little upon reasoning with him, but found nothing but haughty ignorance and no reasoning. He and his followers withdrew a little, to rebuke a man for compliance. James Gray followed, and hearing him rebuke the man authoritatively, publicly questioned him, how he took on him such an act, not being a minister, adding, we had a gospel ministry, and church officers to manage that work, and commanded the country man (who was of his acquaintance) to be gone. Upon this Gib's countenance changed, and his eyes kindled and spoke like a madman: "your ministers, your ministers, we will curse them to hell, we will damn them and you to hell, we will pray you to hell;" with many other horrid expressions, which frighted the people so much as they left him, and came about Mr Gray and the other two, who warned them of the hazard of separation, and heights they were leading them to, and prayed a while with them, and advised them to go home, and mind their callings. 1681.

Thus Gib's folly being made manifest, his progress was stopped in that country, and he proceeded no further; only a few silly women followed him a day or two

1681. more, till he went home to Borrowstonness, and for his scandals and blasphemies he was carried into Edinburgh, and with the abovenamed persons lay some time in the Canongate tolbooth, many times carrying like possessed and distracted persons. And Mr Gray of Christoun frequently used to say he did take him at that meeting to be possessed with a devil. This account I have given at more length, because I have it from the worthy persons present. Toward the end of April, 1681, they were taken by order of council. A few days after, these hair-brained deluded wretches were deserted by the few women who had associated with them, as soon as they began to discover their madness; and their society, which had got the name of 'sweet singers,' lasted but two or three days. The followers of Mr Cargill and Cameron, as soon as they heard of their extravagancies, threw them out of their company, and the body of presbyterians in Scotland never owned them, or had any thing to do with them, but sat silently bemoaning the depth of judgment, and strong delusions they were given up to, and praying that others who had left ordinances dispensed by all presbyterian ministers, except Mr Cargill, might not be left to their own ways. This matter was indeed particularly grieving to Mr Cargill before his death; he took pains upon them, as we noticed, fruitlessly; yet the letter he wrote was of use to recover some who were in hazard of their delusions in the prison. And that the reader may see their strong delusions, I insert the blasphemous paper they gave in to the council, May 1st, this year,* and that he may have his just cautions, I have insert his letter to the prisoners in the Ca-

* *Gib's blasphemous paper, May* 1st, 1681.

We underscribers, now prisoners for the truth in the Canongate tolbooth iron-house, though most vile, yet it pleased the Holy Ghost to work on our spirits of a time past, in clearing causes of wrath, and showing us duty from day to day, that now in some time past we are, and have been called mad men and devils, and now there is none in the kingdom, in prison or out of prison, that we can converse with as Christians: and yesterday, being the 26th day of the 5th month, it seemed good to the Holy Ghost and to us, to take out of our Bibles the Psalms in metre, for several causes mentioned afterwards; for the book of the Revelation says, 'if any man should add unto these things, God shall add unto him the plagues which are written in this book;' and we did burn them in our prison-house, and sweep away the ashes. Likewise, in the holy scriptures, we renounce chapters and verses, and contents, because it is only done by human wisdom, and the changing of the books after the Holy Ghost had placed them. We being pressed to this work by the Holy Ghost, do renounce the impression and translation of both the Old and New Testaments, and that for additions put unto them by men, and other causes; as first, putting in horrid blasphemy, making a tyrant patron of the church, when the scriptures hold of none but of God, and need no patronage from any king, prince, or rulers, and the writing of that blasphemous, sacrilegious, (as some call it) the epistle dedicatory, filled with such language as "dread sovereign, highness, most high and mighty, most sacred majesty;" and likewise the horrid unparalleled blasphemy, making a triangle with these Hebrew letters in it, thus, [יהוה] Jehovah, representing the trinity; and likewise putting in horrid pictures in several places of the holy scripture, and likewise drawing scores betwixt the books of the Bible, and other superfluous traditions. Likewise, we renounce the catechisms larger and shorter, and Confession of Faith, against which we have many causes: one cause is, in the 22d chap. for the scripture proofs that they cite prove the contrary of that they write. We renounce the acts of the General Assembly, and all the covenants, and acknowledging of sins, and engagement to duties, and that which they call preaching-books, and all their works, way, form, and *manner of worship*, doctrine, discipline, and government, and the studying on their books the thing they call their preaching; for, instead of going to God for his mind to the people, they go to their books, and so make their books their God and their leader, and so all following that way, go to hell together: the cause of this is, we find none of their works but they are like themselves, carnal and corrupt, according to that scripture, "hate the garment spotted with the flesh." We renounce the limiting of the Lord's mind by glasses, and their ordination of men only learned, and their saying, *that learning* is the essential of a minister, without grace. Likewise, we renounce their manner of renewing covenants, pressing men's consciences to take a covenant, and by so doing, have filled the kirk and state with tyrants and incarnate devils, as we find this day: they knew the men to have no marks of grace, but, on the other hand, to be profane, as them they call king and rulers, captains and commanders in state and armies, and all kirk-officers, whom we call tyrants and Judases; for, by so doing, they have corrupted both kirk *and state*; as this day, kirkmen and statesmen, whom we call Judases and tyrants, are studying, in opposition to holiness and the work of reformation, who entered in by the same covenants, are now pursuing our lives for a Christian walk. And likewise, we renounce the covenant taken at Queensferry, commonly called Cargill's covenant, and likewise Hamilton declaration, yea, and Sanquhar declaration, because they may and have owned these, and are owning these who are enemies to holiness, and

nongate.† These deluded wretches found more favour in the eyes of the government, than many worthy persons at this time; and it was said, that 1681.

were enemies to us, and some of them said, we should suffer kirk censure, for giving over the old apostate ministers to the devil; and some of them counted us their enemies for the truth's sake, and sent us word they would protest against us, and so we justify our Lord in breaking them at Airs-moss; we justify the Lord likewise, in taking away that they call field-preachings or mockings, because they were nothing but rebellion against the high Lord, as we find now when our Lord is come to the cross, there is neither minister nor people to bide by him, of the many thousands have flocked to the thing they call preachings or mockings; and therefore now all are found void of saving grace; and so we see that word is accomplished, "Straight and narrow is the way that leadeth unto life, and few there be that find it:" and that other word, "Many shall strive and shall not be able." We finding all former actions to be such as devils have and can creep in at, (as declarations and covenants) and get the name of saints: therefore, this day, it seemed good to the Holy Ghost and to us, to renounce and burn the former covenants and declarations, because they are not strait enough, according to scripture, and all their works suchlike; and therefore we will own none of their works, till it please the Lord to give us teaching from himself. By this all may know and understand, we overturn, and formally burn all the former works of the clergy of Scotland, and throughout all the whole world, that are in opposition to holiness. Dated the 6th day of the week, being the 27th of the fifth month, 1681, about mid-day.

We renounce and decline all authority throughout the world, and all that are in authority, and all their acts and edicts, from the tyrant Charles Stuart, to the lowest tyrant, and burn them the same day, being the sixth day of the week, the 27th day of the fifth month, 1681, at Canongate tolbooth iron-house.

We renounce the names of months, as January, February, March, April, May, June, July, August, September, October, November, December, Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Martinmas, holy-days, for there is none holy but the Sabbath day, Lammas day, Whitsunday, Candlemas, Beltan, cross stones and images, fairs named by saints, and all the remnants of popery, Yule or Christmas, old wives' fables and by-words, as Palm-sunday, Carlin-sunday, the 29th of May, being dedicated by this generation to profanity, Pasch-sunday, Hallow-even, Hogmynae night, Valentine's even, no marrying in the month they call May, the innumerable reliques of popery, atheism and sorcery, and New-year's day, and Hansel-monday, dirgies and lyke-wakes, Valentine's fair, chapels and chaplains; likewise Sabbath days, feastings, blyth-meats, banquetings, revelling, piping, sportings, dancings, haughings, singing profane and lustful songs and ballads, table lawings, monk lands, friar lands, black-friar lands, kirks and kirk-yards, and market-crosses, font-stones, images, registers of lands and houses, register bonds, discharges, and all their law works, inhibitions, hornings, letters of adjudications, ships' passes, profanity, and all unchaste thoughts, words and actions, formality and indifference, story books and ballads, romances and pamphlets, comedy-books, cards and dice, and all such like, we disown all of them, and burn them the sixth day of the week, being the 27th day of the fifth month, 1681, at the Canongate tolbooth iron-house.

We renounce all the customs and fashions of this generation, their way and custom of eating and drinking, sleeping and wearing, and all our own former ways, as well religious as moral, in so far as they have been squared and casten in this generation's mould, and all our iniquitous courses, lightness and unconcernedness with the glory of God, the only end wherefore we were sent into the world, the seventh day of the week, being the 27th of the fifth month.

We renounce all that are now in prison-houses or correction-houses, men and women; for none of them are with us in this work: and when we sent them a copy of this our renunciation, they called us devils. The copy of this we burned, instead of the books and works of this apostate generation, and buried the ashes in our ——, and covered it with dust.

Notwithstanding of our burning covenants and declarations, and renouncing of them and their works, be it known to all, that we do neither vindicate the cursed murderers, of their bloodshed on fields, and scaffolds, and seas, and other horrid cruelties, such as torturings, imprisonments, pillagings, banishments, scourgings, stigmatizings, &c. nor condemn we the worthy martyrs, and the sufferings of others, only we give the Lord justice, and vindicate his tarrying; for now the furnace has brought forth a more pure cause, which we term, Holiness to be built upon the word of God.

That all may know and see our innocency, and know our end is and was the glory of God, in all we did, though we came far short; and, in the months past, we could get none to show us kindness for meat or lodging, though we could pay for it ourselves. That word in Malachi, "Ye are cursed with a curse, for ye have robbed me, even the whole nation." And likewise in Deuteronomy, "We seeing the land all thus cursed, and all justifying themselves in that iniquity, were afraid to eat, or drink, or sleep under a roof with them." Though there were many that would have sheltered us, yet we could not eat, drink, converse, or pray with them, lest we had come under the curse; so many times our beds have been in the open fields, and we have come to houses, and they would not sell us meal to make pottage of, and we have found meal and water a rare dish, because the curse was off it, and it was blessed to us, according to that scripture, "The blessing of the Lord maketh rich." We are not murmuring in this, but when the weather has been worst, winds and rain, cold frost and snow, and when we had fasted most, we were best satisfied, according to that scripture, "All shall work together for their good that truly seek the Lord." When we had outward straits, then we had most inward peace, we had joy in the Holy Ghost; and the thing the world calls the worst of our lot, as reproaches, imprisonments, nakedness, hunger, and cold, &c. we had rather

1681. the duke's jesuits wanted not some influence upon them, and by their interest, as some think, they were dismissed in the beginning of August. The

be suffering for our Lord's sake, than be kings of the whole earth; for our joy no man can take from us, and our prison is so pleasant through our Lord, that we care for no company, for we know no company but all are cursed, and we know not what it is to weary; but, according to that scripture, "Eat and drink, my beloved, yea, eat and drink abundantly," we are rather in paradise.

These things were cleared to us when fasting and praying, and we were pressed to do this by the Holy Ghost. We had many fasts about this thing, and this week we took some milk and bread, in the third day of the week, in the morning, being the 24th day of the fifth month, 1681, and tasted neither meat nor drink, nor any other kind of living, till the sixth day of the week, at four afternoon, (and then we took a little milk and bread,) for to find out the causes of his wrath, we have wandered, mourned, wept many a night and day, in houses and fields, for we have, and have had no other end but his glory, that the elect, such as should be saved, might be brought in; and it is only conscience that keeps us from giving men reverence in word and behaviour, though some call us dumb devils, and unlearned brutes; and one of us, when coming before them they call the rulers, was called a blockhead. Notwithstanding of all that came on us, we know, and are taught by the Holy Scriptures, to give honour unto whom honour is due, and to salute one another; but it has been our work of a time, to renounce the filthy vile embracings, salutations, and compliments of this generation, which they call court-breeding; our carriage, professing to follow the Lord Jesus, should be staid and circumspect, according to that scripture, "Let us walk circumspectly, not as fools, but as wise men," as it is written in Matthew, "Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven."

Cursed are they that say peace to a land, who are in the place of watchmen, when the Lord says no peace; which practice we silly unlearned creatures renounce, for we bless him, he has kept us from resting till the ark rest. And as for these they call watchmen, that cry peace, or keep silence, we shall refer them to the prophet Ezekiel, which ye may read at leisure, which we think shall be Scotland's doom; for we have heard tell of few of them they call ministers, but they have all said peace, when brought before the enemies to witness their practice, being most unconscionable, on hill-sides and muir-sides, before several thousands, they called them tyrants, and intolerable oppressors, and their government tyranny and oppression, and that the crown of supremacy that Charles Stuart had usurped over the kirk, would weigh him down from the throne, and all that race with him; and when they are brought before them, and into prisons, nothing but in with the other supplication, to the honourable lords of his majesty's secret council, beck and binge, and please your lordships' grace, &c. and now they are all at peace with his enemies, save one whom we disown; and so ere long the enemies shall curse them, when the Lord awakens their consciences, (though we confesswe have had some special witnesses of ministers) and we think, ere long, the malignants shall pursue these ministers to death for unfaithfulness; for the vilest creatures in the land, high and low, rich and poor, noble and ignoble, must give account for works done in the flesh; then the dogs, sorcerers, whoremongers, and murderers, and idolaters, false-swearers, cursers, sabbath-breakers, idle loose livers, and all that are unchaste in thoughts, words, and behaviour, and all that make no conscience of their way, and whosoever loveth and maketh a lie, shall tremble that day when they shall enter into eternity; when it shall be said, as it was to Dives, "thou in thy lifetime hadst thy good things, and Lazarus his bad things; for except a man be born again, he can in no ways enter into the kingdom of heaven."

We take up the book of the holy scripture, at the Lord's command; and for a testimony of our dissatisfaction at the abounding corruptions both of translators and the press, and likewise for a testimony of our desires and intentions for a new translation and impression, free of the foresaid and other abuses, we, to our power, reform our own books, and say, that the word of God needs no human art. We hold, that the word of God is laid the foundation of this new building, and shortly it shall become the head corner-stone of the building, over both kirk and state, kirkmen, and statesmen: so that scripture, towards the end of the Revelation of John, shall be fulfilled: "And I saw heaven opened, and behold, a white horse; and he that sat upon him was called, faithful and true; and in righteousness he doth judge and make war. His eyes were as a flame of fire, and on his head were many crowns; and he had a new name written that no man knew but he himself. And he was clothed with a vesture dipped in blood: and his name is called, The Word of God."

And first, to show that we take the word of God, in every point, to be our rule, the sum and end of our so much reproached and mocked at exercise, (fasting and prayer) will be found in the book of Psalms, "be thou exalted, O God, above the heavens; and let thy glory be above all the earth." It is written in the Acts of the Apostles, "it seemed good to the Holy Ghost and to us;" but, they usurping supremacy, say, by the authority of the general assembly, allow these Psalms to be sung in congregations, &c. which we renounce. And more, we think the Psalm book in metre, and no other thing, ought to be within the broads of the Bible, but the simple scriptures of truth; the Psalms may be had in a book by themselves.

We are so reproached and calumniated, that we are forced to make our defence, and show that we have mourned, fasted, and prayed, many a day and many a night, this last winter, many times in the open fields, in frost and snow, while our clothes were frozen upon us, and our feet frozen in our shoes, as the town of cursed Borrowstonness can witness; and all this to find out the causes of our Lord's tarrying, when those who are now calling us devils, were turning themselves upon their ivory beds, like a door upon the hinges, eating the fat and drinking the sweet, at their own ease: and

act of council about them is but short. ' Edinburgh, August 2d, 1681. His royal highness and lords of privy council, having considered the condition 1681.

when we were driven thence by persecution, we took ourselves to the fields, holding still by our duty, where many women did offer themselves to the work, with whom our spirits were many a time burdened, whom we could not put away (as our blessed Lord dealt with Judas, whom he knew would betray him) without manifest causes: we stayed not with them but on solemn days, such as sabbaths, and appointed times for public meeting; but when they took their rest betwixt hands, we continued still in fields, nights and days, fasting and praying, for two or three days together, several times; and it was always their fear we should propose some question, to try them for separation, and that night before we were taken, we warned them that the soldiers would come, and told them to use their freedom: we saw them also a mile off, an hour before they came, and none of them would go away; and after we were brought in hither, after some several days fasting and prayer, we being warned by the Holy Ghost, followed Esther's advice, and continued from 8 o'clock in the morning, the 24th day of the 5th month, till the 27th at 4 afternoon, fasting and praying: we sent them word likewise to fast and pray, and when we sent them the answer of our prayers in writ, they called us devils; thence we fasted till the 28th day at night, and thence till the 30th at night, waiting still to see if they would recover, but they waxed still worse, and we were forced to write this to vindicate our carriage towards them:—

WALTER KERR, DAVID JAMISON,
JOHN GIB, JOHN YOUNG.

This is exactly compared and collationed with the principal copy, by me

WILL. PATERSON Cl. Secr. Concilii.

† *Mr Cargill's letter to the prisoners in the Canongate tolbooth.*

Dear friends,

I think ye cannot but know that I am both concerned and afflicted with your condition, and I would have written sooner, and more, if I had not feared that you might have been jealous (under your distempers) that I had been seducing you to follow me, and not God and truth. It has been my earnest and frequent prayer to God (as he himself knows) to be led in all truths, and I judge I have been in this graciously answered; but I desire none, if they themselves judge it not to be truth, to adhere to any thing that I have either preached, written, or done to any hazard, much more to the loss of life. But I have been afflicted with your condition, and could not but be more if God's great graciousness, in this begun discovery, and your sincerity and singleness gave me not hope that God's purpose is to turn this to the great mercy of his poor church, and yours, if ye mar it not, and yet the great sin and pillar of Satan, that is in this snare, makes me tremble. It was God's mercy to you, that gave you such convictions, that made you, at least some of you, once to part with these men; and it was undoubtedly your sin that you continued not so, but, after convictions, did cast yourselves in new temptations, for convictions ought to be tenderly guided, lest the Spirit be grieved from whom they came. But this second discovery, though it be with a sharper rebuke, as it makes God's mercy wonderful, so it shall render your perseverance in that course, sinful, and utterly inexcusable, for God has broken the snare, and it will be your great sin if you go not out with great haste, joy, and thankfulness, when God's wonderful discovery has made such a way for your delivery: for God having now shown you the ringleaders and authors of these opinions to be persons of such abominations, calls you, not only to deny credit to them, but also to make a serious search of their tenets, which will, I know, by his grace, bring you undoubtedly to see that these things are contrary, both to God's glory, and truth that they so much pretend to.

And now, dear friends, as I cannot be tender enough of you, who, in your zeal and singleness have been misled; for though this did bewray a great simplicity and unwatchfulness, yet it did also betoken some zeal and tenderness, that being beguiled, it was in things that were vailed and busked with some pretences to God's glory, and public reformation. And, on the other hand, I cannot have great enough abhorrence of the persons, who, knowing themselves to be of such abominations, did give out themselves to be of such familiarity with God, and of so clear illumination to make their delusions more passing with devout souls. Let nothing make you think this is malignity, or natural enmity against the power of godliness, or progress in reformation, that is venting itself in me: for though I cannot win forward, as I ought, yet I have rejoiced to see others go forward. And I am sure there lies, in this bed, within you, a viper and a child: Satan transforming himself into an angel of light, hath put these two together, to make it passing with some, and to be spared of others who are of tenderness; but my soul's desire is to kill the serpent, and keep the child alive; and God is calling you loudly to sever the good from the bad, that the wit of Satan's subtilty has mixed together, and deliver yourselves speedily as a roe from the hand of the hunter; and not only return, but bitterly mourn for your high provoking of God, in offering such foul sacrifices to his glory, and sewing your old clouts upon that new garment; in your making the enemy more to despise that cause and company, who are enough despised already, and discouraging those who were following, and going forward with you in that which was right, so that now, neither have they the heart or the hand for the work, nor can they look out till God recover them again. There is much in the whole of those that may, and do weigh and overwhelm some spirits, but there is nothing in all their cogitations about it, that they found comfortable, unless it be, that he is cleared in afflicting us, and continuing to afflict, because there were such persons among us. I speak this but of some of you, and beloved by us, though ignorantly; and we wish that this be the last and great stop, that was to be removed before his coming to revenge himself, and reign. I would not say, but, by this al o, he showed his tenderness of preserving integrity of doctrine and sound reformation, and his purpose not to suffer

1681. of these prisoners, called the sweet singers, David Jamison, John Gibb, Walter Kerr, John Young, and some women, give order to the magistrates to liber-

errors and heresies to prosper. This I told you when I met with you, that there were some things ye were owning, which were highly approved of God, such as, an inward heart love and zeal to God's glory, which I perceived to be in some of you, so far as can be perceived, and setting up of that before you as your end, in pursuing it always as your work, and a forgetting of all other things in regard of it excepting only these things without which we cannot glorify him (as a workman that intends his work, must mind his tools) even our own salvation, and the salvation of all others, as if there were not things wherein he is greatly glorified, for his glory is in righteousness and mercy, and in and by these is the salvation of man infallibly advanced, and to these it is inseparably connected.

Next I would advise you to set apart more, yea, much more of your time, for humiliation, fasting, and prayer in such an exigence, when the judgments of God appear to be so near, and so great, so that it be done without sin, for God cannot be glorified by sin; 'for if my lie hath more abounded to his glory, why am I judged as a sinner?' I was against such as deny nature, and others, their right dues; for he that allows dues to others, allows them to be paid also. And we must be like prisoners who are of great debt, and honest hearts, who know they cannot pay every one their full sums, yet are resolved to give every one some, and to the greatest most, and to the rest accordingly; and as there cannot be a total abstinence from meat without self-murder, so there cannot be a total denying others their dues, such as the benevolence of husband to wife, and a total abstaining from work, without a transgression of God's commandments and laws, which can never be a glorifying of him, which the more impartially they are kept, the more he is glorified. Next, ways are allowed of him that ye may make yourselves free, so much as in you lies, of all the public defections. Whatever may involve you in these, or contribute to their upholding, without either an overpowering force, or an indispensable necessity; for I may buy meat and drink in necessity, whatever use the seller make of that money I give for my meat and drink. Next, he allows these particulars of reformation, such as change of the names of days, or weeks, of terms of the year, and such like warranted by the word, and example of the Christians in scripture, that have been neglected before in our reformation; so that there be not too much religion placed in these things, and other things more weighty (which undoubtedly have more moral righteousness in them) made little in regard of them, but, in these good things, Satan will quickly (if it be not already) overdrive you in your progress, and leave you only to hug a spurious birth. But there are other things ye maintained, when I spoke with you (and the viper has more since appeared) as truths and parts of God's glory, that are utterly contrary to, and inconsistent with the glory of God, as first, laying aside of public preaching, some of them saying no less nor they had no missing of it, so that ye thought ye had reigned as kings without us, and would to God ye had reigned. Your flourishing should have delighted, though we had not been the instruments and means thereof. But, alas! this your liberty, that you so much bragged of, would have lasted but a little while, and was among your other beguiles, and was nothing else but Satan stirring you about to giddiness, and raising of fantastic fumes to the tickling of the imagination, but leaving you altogether without renovation of heart, or progress in sanctification; so that I cannot compare this your liberty to any thing else, but to an enchanted fabric, where the poor guests, only placed in imagination, imagine themselves to be in a pleasant place, and at royal entertainment: but when God comes, and delusion evanisheth, they will find themselves cast in some remote wilderness, and they left full of astonishment and fears.

I told you while I was with you, that the devil was sowing tares amongst your thin wheat; but I was not long from you, exercised in thoughts about you, but I saw clearly there was sorcery in the business, and now, I tell you, I fear sorcerers also. I know I have spoken this against my own life, if they get the power they desire, but I am in a defiance of them, and, I know also, in a defence by him who hath preserved, and, I know, will preserve me till my work be finished: but if your liberty that you talked of, had been true, it would, at least, have stayed till it had brought you to other thoughts, other works, and other comforts; and it might have been easily discerned, not a true liberty, but a temptation that led you from public preaching, the great ordinance of God's glory, and men's good. As the apostle has that word, forbidding us to preach to the Gentiles; but especially to leave public ordinances at this time, when they are the only standards standing, which shows Satan's victory against Christ's kingdom in Scotland, not to be complete.

Yet, dear friends, when you hear this, let not Satan cast you as far to the other side, for it is rare to see the most devout souls altogether out from under his delusions and temptations, as to make you believe, that it is impossible to attain to any thing of certitude, of truth, liberty, manifestations and communion with God, if that, which seemed to be so firm, be delusions; but shall Satan have such power to make men believe lies, and shall not God go infinitely beyond him in making men to see and believe truth? There were many that thought themselves at the height of assurance, when under the greatest temptations, as Psal. lxxiii. 'Verily I have cleansed my hands in vain.' And yet they have a greater certainty, when they come to see that there is no such unquietness of spirit under this, as they found in the former: and seeing it is so, rest not till ye attain that assurance of your own interest, and of his main truths, which is both above doubt and defect, that ye may be able to say, 'Now we believe and are sure.'

But, in the next place, ye will join with none in public worship, but these who have infallible signs of regeneration: this seems fair, but it is both false and foul; false, because of its false foundation, viz. that the certainty of one's interest in Christ, may be known by another; whereas the Scripture says, that none knows it but he that has it; foul also, for this disdain hath pride

ate them, provided they give under their hand, that they abjure the disloyal principles once owned by them; appointing such as are able to find caution, to appear when called, and such as are not, to enact for themselves.' It is indeed matter of wonder to me, that at such a juncture more delusions and monstrous errors did not break out. When, after Mr Cargill's death, his followers formed themselves into societies, their records bear, that they have been at much pains to keep themselves from these delusive extravagancies, and had no small difficulties from one Grant, who, if I mistake not, is yet alive, the foresaid Russel and others, and through this diligence their madness was crushed in the bud; and the rest of presbyterians, who now and then had sermons, and pains taken on them by their ministers, and under the want of stated ordinances, gave themselves to meditation, reading, and prayer, were in no hazard this way, and many of them were solid, knowing, exercised Christians. I 1681.

---

in it, and pride is always foul; and though there be a difference amongst men, and that we should have regard of repentance and brokenness of heart; yet these who have well sought, and seen their own filthiness, will judge themselves the persons, of any that should be thrust out of the assemblies of God's people, and that not only in regard of what they have been, but also in regard of what they daily are. Next, ye would have all to be prayed to eternal wrath, who have departed and made defection in this time; alas! we need not blow them away, the great part is going fast enough that way, but this, I am sure, is not to give God his glory, but to take from him, and limit him in his freedom and choice in the greatness of his pardon. It is remarkable, that the angels in their glory to God, joined also with it, good-will to men. Next, you have rejected the Psalms, with many other things, by a paper come from some of you, and I cannot see upon what account, unless it be because it is man's work, in turning the Psalms out of prose into metre: then ye must reject all the other Scriptures, because the translation of them is of man's work; ye have not yet learned the original languages, ye must betake yourselves altogether to the Spirit, and what a spirit will that be that is not to be tried by the scriptures! I told some of you, when I last saw you, that ye were too little led by the scriptures, and too much by your own thoughts and suggestions, which indeed opens a wide door to delusion, and alas! lays yourselves open to Satan's temptations.

As for the rest, of your denying all your former covenants and declarations, this cannot be from God, they containing nothing but lawful and necessary duties; and suppose they did not contain and include a complete reformation, yet they did not exclude it: so that still holding them, we might have passed on to more perfection, and they might be inviolable obligations with us. And next, your cutting off all that were not of your mind, and delivering them up to devils, was not justice and religion, it being done neither in judgment nor righteousness, upon conviction of their crimes, but unbridled rage and fury; but these things I cannot fully speak to now: yet there is somewhat I cannot pass, but must tell you, that I fear there shall remain some of the leaven within, that shall not only spoil an orthodox protestant, but also a true, tender, and humble Christian, and give us nothing instead of it, but a blown bladder; for I am persuaded, if Satan should have the tutory but a while, he should bring it to this: for it has been his way with some, first to make them saint-like, and afterwards to settle them at atheism, like a cunning fisher, running a fish upon an angle, who at last casts it on dry ground. God is my witness, my soul loves to see holiness, tenderness, and zeal, in such a generation, where there is nothing but untenderness, unconcernedness, and lukewarmness; and, by his grace, I shall ever cherish it. I desire you then, in the bowels of Christ, to retain your zeal, but see well to this, that it be for his glory. Indeed the more that you are zealous, and the further ye go forward, so that the word of God direct your course, ye are the more pleasing to God, and shall be the dearer to us: and persuade yourselves, that though I cannot equal or go before, yet it is the sincere desire of my heart to follow such; and my soul wishes you well, though it may be I cannot here point nor lead you the way to well-being. Yet this I must say, that if I could lead you the way that he has led me, I should let you see eternal life, without these things that I am desiring you to relinquish. Hold truth, glorify God, be zealous to have him glorified, but think not to desire the condemnation of any man, simply on that account, that they dare not come and continue where you are, or to put a bar by prayer, between them and a return, is a glorifying of God. We glorify him in this kind, when, as he himself desires, we acquiesce in his sentence when it is passed, though we wrestle against it before it be known to us.

I cannot bid you go forward in all, but I desire you to go forward in that which is surer and better; and, dear friends, let not the world have that to say, that when ye are become right, ye are become the less zealous, only take the right object, and let your zeal grow. O! let not your sufferings be stained with such wildness, and think it not strange that ye have not such liberty in your return, as ye seemed to have before; if ye take the right way and hold on, ye shall find it in his time, greater, and better, and surer. I shall only add, that there must be an express disowning of your errors and evils, and an express owning of his truths, whereof ye have been persuaded before now, which now are either denied or doubted, otherwise you will come to nothing of religion, or worse. This will either state your sufferings right, or be a mean to obtain a cleanly liberty from God, in his due time. Grace, mercy, and peace be with you. Amen.

1681. shall end this lamentable subject, by remarking, that the raveries of Gib and his followers, when broke out, gave some little turn to the heights and extremities of others who had any real good in them; they were somewhat like a crise, and, as it were, the separating the morbific matter from the blood, whereby it became a little more cool and settled, though, I cannot but say, too much of the distemper remained to the revolution, and even to this day.

Another lamentable effect of the bearing down of the gospel, and the neglect of instructing of people at this time, was the apostacy of too many from the very profession of religion; and indeed profaneness was now at a terrible height. In the justiciary registers I find a process against the underwritten person for judaism, which being the only instance, as far as I know, of this since the reformation, the curious reader will be content to have a view of it. I give it as it stands in the criminal books, and it is what may be a caution to parents to found their children well in our holy religion, before they suffer them to go abroad. "Edinburgh, June 15th, 1681. Francis Borthwick, second son to James Borthwick of Harelaw, being often called to have compeared before the justiciary, this day and place, in the hour of cause, to have underlien the law, for the crime of blasphemy committed by him, in so far as being born of Christian parents, and baptized and educated in the Christian faith, and continuing in the open profession thereof, and communion of the Christian and catholic church, until the age of fourteen years, he went abroad to foreign places, to follow the trade of merchandise, where he was seduced to make a shameful apostacy from the most holy faith, and to profess and openly declare himself to be a Jew, and was circumcised. And having returned to Scotland, at Edinburgh, Wrightshouses, Bransfield, and Hall-heriot, he did rail against our Lord and Saviour Jesus Christ, denying him to be God, and affirming him to be mere man, and a false prophet, and outrageously reviling him by such other horrid blasphemies as are not fit to be uttered, renouncing and cursing the holy sacrament and rite of his baptism. And he did with great and horrid execrations wish all manner of judgment to befall him, if ever he should return to the Christian religion, in manner at length mentioned in the criminal letters, raised at the instance of his majesty's advocate, and James Cockburn in Duddingston, informer against him thereanent. And being lawfully cited, and not compearing, the lords adjudged the said Francis Borthwick to be outlaw and fugitive, and all his goods and gear to be brought in for his majesty's use, for his contemption and disobedience; which was pronounced for doom."

June 21st, the council recommend the lord Bargeny to the secretary, that he may have a warrant to get up his bond of compearance. July 30th, the duke of Rothes being dead, the council lodge the seals in the hands of the lord treasurer, till the king give orders about them. This great man, as we heard, was brought in by the duke of Lauderale, and enjoyed many public offices. As through his life, except when pushed on by others, he was never for severities against presbyterian ministers, so at his death he had the advantage of some of them with him. He appeared concerned upon views of eternity, and the reverend Mr John Carstairs, upon his desire, waited upon him, and prayed with him, the duke of Hamilton, and many others of his noble relations, being present; and few were present without being affected very sensibly. When the duke of York heard that presbyterian ministers had been with the chancellor, he is said to have had this expression, "That all Scotland were either presbyterian through their life, or at their death, profess what they would." Lauderdale's being out of the secretary's post, and the duke of Rothes's death, made a considerable change among the managers at Edinburgh, and the duke of York's party come in, many of whom in a little time, compliment him with their religion, and turn papists. And in October this year, a new commission comes down for the lords of session.

This year, the council in May pass an act in favours of John Adair, mathematician, and allow him a hundred pounds sterling out of the fines they shall impose, and

recommend him to the encouragement of noblemen and gentlemen in his design, to correct Blaw's maps of Scotland, and form new ones for the shires wanting, in order that there may be a complete atlas for this kingdom. And November 17th, they send up the draught of a patent for erecting the college of physicians, and recommend it to the king, after consideration of the reasons advanced against it by the surgeons, apothecaries, town of Edinburgh, and universities.

I come to end this section and year, by acquainting the reader, that the society people now began to form themselves into a general correspondence among their societies, in the west and south, and had their first meeting, December 15th, 1681, at the Logan-house, in the parish of Lesmahago, in the shire of Lanark; and these general meetings they kept as much as they could quarterly, until the revolution, and sometimes oftener, in different places where they could most conveniently meet. At this first meeting they agreed upon their testimony against the last parliament, the duke of York, a papist, his being commissioner to it, and particularly against the test enacted by it; and in this declaration they adhere to the Sanquhar declaration, mentioned last year, and appointed this their testimony to be published at the market-cross of Lanark, upon the 12th of January next.

That declaration, commonly termed Lanark Declaration, hath been many times printed, and the reader will find it in their informatory vindication, edit. 1707, p. 156. When Mr Renwick and Mr Shiels joined with them afterwards, and wrote the vindication of their actings, the reader will find their apology for this testimony in the above cited book, p. 69, and there they own some expressions in it to be very exceptionable, and inexpediently and unadvisedly inserted, and pass from the same. However, this was the first essay of the societies united in correspondence; and in this and most of their other papers, I shall mostly direct the reader, who desires to be informed about them, to their own accounts of them.

CHAP VI.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, DURING THE YEAR 1682.

THE year before me was extremely troublesome to presbyterians, but not so bloody as the last, though the blood of some innocents was shed. The death of Mr Hume towards the close of this year, was as much cried out upon, as many things the managers did, being not only illegal, but unfair, and ungenerous in the opinion of many, and the gentleman's character being singular for piety and peaceableness. The reason why so few, comparatively, were brought to public executions, does not appear to have been from want of inclination, but opportunities, very few escaping with their lives, against whom they could procced with any colour of agreeableness to their present laws: but it was well, that not so many of the sufferers fell into their hands this period, as formerly. 1682.

There was no session of parliament this year, nor any more this reign, and so no new sanguinary laws: and, as far as I have noticed, but one proclamation against the persecuted party, which indeed is a little uncommon at this time: but the managers had gone so far already against the sufferers, that little more could be done.

Towards the beginning of the year, the duke of York went for London to his brother, and returned about the end of it; and, while he was away, there was a sort of respite of the severities against presbyterians, though it was but for a short space. Bishop Paterson went up to court with him, and, no doubt, he had some errand, and more to do, than barely to wait upon the duke to London. I find some papers giving an account, that the bishop brought down warrants for a more general and severe prosecution of all presbyterians; and we shall afterwards hear, that commissions are given, not only to sheriffs, bailies, and other magistrates, but to soldiers and particular gentlemen of broken fortunes and violent tempers, to fine and imprison all persons suspect, or guilty of hearing

1682. presbyterian ministers in houses or fields, since the indemnity, August 1679. By which the country was terribly oppressed, and several gentlemen were fined to the value of their real estates, for mere absence from church, and being at house conventicles, and horning and caption given against them: yea, matters run yet higher this way, next year.

Many courts were held up and down the west and south, of which no registers being kept, I can only give some general hints, as informations are come to my hand; and the test was pretty generally pressed, though I see nothing of a foundation in law to urge it, except upon some who were in places of trust; and, as far as I can learn, it was pretended as yet only to be that which would satisfy the government entirely, as to the loyalty of suspected persons; yet this pretext was good enough to harass multitudes, not in law obliged to take it. In short, the justiciary go roundly to work in forfeitures; and the council, as well as particular persons commissioned by them, oppress multitudes by extravagant fines. These heads will afford matter for five sections upon this year.

SECT. I.

Of the further proceedings about the test, the changes in public posts, and other incidental matters this year.

SINCE less matter offers this year, directly upon this history of the sufferings, than upon some of the preceding years, it may not be amiss to begin my account of it, with matters of a more general nature, though I have formerly mostly left these to the close of the chapters; and it will have this advantage, that it may give some light to the more particular narration of the sufferings of presbyterians, in the after-sections.

By the act of parliament last year, persons in offices and public trust were allowed until the first of January this year, to take the test. It hath been already remarked, that not many lost their posts by refusing it. Some few papists indeed, who, alas! are firmer to their idolatry, than many professed protestants to our excellent reformation, refused the test: but as the duke of York told the earl of Argyle, care was taken of them; and the act, which, by some, was designed against them, was turned another way. The profits of their offices were enjoyed by them, and they put in some protestant, who had the name, but all the emoluments came safely enough to themselves. Thus, the laird of Stonehouse, a violent papist, and persecutor, had been sheriff of Nithsdale, and made a kind of demission of that office, when he refused the test. This gentleman was so vigorous a bearer down of presbyterians in that country, and so heartily a friend to the popish succession, that the duke of York and bishops could not see him come to any loss: therefore, Queensberry and he ordered matters so, as one James Mitchell, a small heritor, and tool of his, gets the name of sheriff, holds courts, and goes on with the finings and severities we shall afterwards hear of; and the laird of Stonehouse is, generally speaking, with him, as was pretended, to direct in the forms for some time, but, in reality, to do all that was done; and he received the money and profits, and Mitchell was satisfied with a very small part. Many instances might be given of such favours to papists, while none was shown to real protestants. Until the act for the test was afterwards extended, it could only be pressed upon persons in trust; and here there was little difficulty: but such as held courts, yea, the very soldiers, having nobody to challenge any thing done by them, took the liberty to press it upon persons whom they were pleased to suspect, most illegally; and so this year, and much more in the succeeding years, the test came to be matter of sore sufferings to great numbers. Meanwhile, the council go on to press the test upon all in public trust. January 5th, they send a letter to the magistrates of Aberdeen, "that they are informed that their ministers have undutifully refused the test, and their churches are now vacant; therefore, require them, as patrons, to present fit and qualified persons, in three weeks after their receiving this letter."

It is signed, ALEX. ST ANDREWS.

January 7th, they write to the king the following letter about the test.

"May it please your sacred majesty,

"Your majesty's late royal parliament, having, for the security of the protestant religion, of your majesty's royal power, and for the establishment of the government, and extirpation of these disorders which have so over-run this your kingdom, appointed by their sixth act, that a test should be taken by all who were to exercise any jurisdiction within the same, and that betwixt and the first of January instant: we have, after the elapsing of that day, considered who had not taken that test before the time prefixed; and, after mature deliberation, we have sent to your sacred majesty a list of such offices and jurisdictions as are now vacant, and at your majesty's disposal, upon this account, with our humble opinion of these who may be fit to succeed in them, and a draught of the commission to be granted to them; and, after serious reflections upon the whole matter of the test we may sincerely say, that it has been a most happy expedient for filling all offices with persons who are well affected to the protestant religion, and your majesty's government, and from whom your majesty and people may expect the unanimous and firm prosecution of your laws, against all manner of irregularities. We have likewise thought fit to acquaint your majesty, that, by reason of the minority of the duke of Lennox, the sheriffship of Dumbarton, and regality of Lennox and Darnley, are to be supplied, and that fit persons be named by your majesty, to be keepers of your palace of Holyroodhouse, and your high chamberlain, being now fallen in your majesty's hands, by reason of the dukes of Hamilton and Buccleugh their not taking the test, conform to the act of parliament. We are, your majesty's most humble, most faithful, and most obedient subjects and servants. 1682.

"Subscribed *ut in sederunt*, except his royal highness, Linlithgow, Balcarras, and Dalziel."

With this they send the draught of a signature to be passed, to such persons as they recommend, for filling up the places of such as refuse the test; which, being in common form, needs not be insert. At the same time, they send up the following list of jurisdictions fallen into the king's hands.

List of jurisdictions fallen in his majesty's hands, and at his disposal, by the possessors their not taking the test, with the names of the possessors, and of these now recommended to be commissionate in their places.

Jurisdictions fallen in his majesty's hands.	Formerly possessed by	The persons recommended to have commissions, are,
Heritable regality of Dalkeith and East-Calder	The duke of Monmouth	The earl of Dalhousie
Heritable sheriff of Roxburgh, regality of Hawick, and Longholm	The duke of Monmouth	The earl of Roxburgh
Heritable regality of Torphichen	The lord Torphichen	The lord Livingstone
Heritable regality of Borrowstonness and Polmood	The duke of Hamilton	
Heritable sheriff of Bathgate	Cochran of Bahachlay	
Heritable, the regality of Dryburgh	The lord Cardross	The earl of Hume
Heritable, Coldstream, a part of the regality of Melrose	The earl of Haddington	The earl of Hume
Heritable, the regality of Melrose	The earl of Haddington	The earl of Roxburgh
Heritable stewartry of Kirkcudbright	The earl of Nithsdale	The lord Livingstone, and Sir Robert Maxwell
Heritable sheriff of Wigton	Sir Andrew Agnew of Lochnaw	The laird of Claverhouse
Heritable regality of Tongland	The Viscount of Kenmuir	The laird of Claverhouse
Heritable regality of Whithorn	The earl of Galloway	The earl of Queensberry
Heritable bailiary of Carrick, and regality of Crossraguel	The earl of Cassils	The laird of Ardmillan
Heritable regality of Kilpatrick	The laird of Orbiston	The earl of Glencairn
Heritable sheriff of Fife	The countess of Rothes	The earl of Balcarras
Heritable sheriff of Lanark, and regality of Hamilton	The duke of Hamilton	The marquis of Douglas

Jurisdictions fallen in his majesty's hands.	Formerly possessed by	The persons recommended to have commissions, are.
Heritable regality of Strolay	The earl of Findlater	The lord Ogilvie
Heritable sheriff of Stirling	The earl of Callander	The earl of Mar
Heritable regality of Falkirk	The earl of Callander	The earl of Linlithgow
Sheriff of Sutherland, regality thereof, and as the bishop's bailie	The earl of Sutherland	The lord Duffus
Heritable sheriff of Cromarty	In the creditors' hands	The marquis of Montrose
Sheriff of Clackmannan	In the creditors' hands	The lord register.

1682. Upon January 26th a letter comes from the king, approving this list. The clerks are ordered to form commissions, and expede them, and deliver them to the persons named.

January 12th, the committee for public affairs make the following report of parishes fallen vacant, by the ministers refusing the test, which the council approve, with the draught of the letter to patrons, to supply these parishes.

Report committee about parishes vacant, by ministers refusing the test, with the tenor of the letter to patrons.

"The report of the committee for public affairs offering it as their opinion, that missives be direct to the several patrons of the kirks underwritten, now vacant by the ministers refusal of the test, immediately to present fit persons thereto, being read, was approven of by the council, and letters appointed to be sent to these patrons accordingly, viz. to the earl of Haddington, for the parish of Haddington; to the duke of Lauderdale, for the parish of Bolton; to the laird of Salton, for the parish of Salton; to the earl of Tweeddale, for the parish of Yester; to the earl of Winton and bishop of Edinburgh, for the parish of Tranent; to the laird of Prestongrange, for the parish of Prestonpans; to the earl of Tweeddale, for the parish of Garvet; to Sir John Seton of Garleton, for the parish of Athelstonford; to Sir William Bruce of Balcaskie, for the parish of Newburn; to the duke of Buccleugh, for the parish of Dalkeith; to the earl of Lothian, for the parish of Newbottle; to the laird of Humbie, for the parish of Criechton; to the laird of Deuchar, or Sir William Nicolson, for the parish of Temple; to the viscount of Oxford, for the parish of Cranston; to Sir Mark Carse, for the parish of Cockpen; to Sir William Primrose, for the parish of Carrington; to the laird of Pennycook, or the bishop of Edinburgh, for the parish of Pennycook; to the town of Edinburgh, for the parish of Falla; to the lord Torphichen, for the parish of Torphichen; to Archibald Primrose, for the parish of Dalmenny; and to the town of Edinburgh, for the trone-church parish of Edinburgh. And further, the lords of privy council do recommend to the bishop of Edinburgh, to appoint such young men expectants, as he shall think fit, to serve in these kirks, until the same be planted; declaring, that, for the space they serve, they shall have allowance out of the vacant stipends; and that in case the presentation shall happen to fall in the bishop's hands, *jure devoluto*, these persons that shall serve in the meantime, shall be preferred to the charge of the respective kirks."

Follows the tenor of the letter direct to the several patrons above-mentioned.

"The late minister of having undutifully refused to obey the law, in taking of the test, so that the said church is now vacant, and destitute of a pastor; and we considering, that it is necessary, for the care of the souls of the people, and for his majesty's service, to have the charge speedily supplied, do therefore require you, as patron of the said church, within twenty days after these presents shall come to your hands, to present a fit and qualified person to the ministry thereof, as you would testify your zeal for promoving the happiness of that people, and your readiness to comply with his majesty's commands and service. This, at command, and in name of his majesty's privy council, is signified to you, by your, &c.

"Alex. St Andrews, I. P. D."

This procedure brought some over their difficulties. Accordingly I find, January 26th, Mr Alexander Wood, minister of Cockpen, petitioning the council, "that

whereas through weakness he had entertained some scruples anent that excellent oath and test imposed by the last session of parliament; but they were now removed by the pious endeavours of his ordinary, begging the council may commiserate his case." They allow the bishop of Edinburgh to administrate the test to him, and recommend to the patron of Cockpen to give him a new presentation.

When the managers are thus busy with the refusers of the test, they fail not to remember the case of the earl of Argyle, and write a letter to his majesty, January 31st, about his jurisdictions, which they move may be for ever annexed to the crown. I have added it below.* It is full of bitterness and groundless insinuations against that noble family. 1682.

A good number of the clergy of Aberdeen having stood out against the test, as we have seen, till the day was elapsed, and after that taken it before the bishop, they wanted an act of council to repone them to their benefices and stipends, which was very readily gone into, and follows. "Edinburgh, February 23d: His royal highness and lords of privy council being informed by some of the lords of the clergy, that several loyal and learned churchmen within the diocese of Aberdeen, had for a time some scruples anent the oath and test imposed by the 5th act of the present parliament, and could not obtain clearness about it, before the first of January last. But being thereafter fully cleared and satisfied, did before the decease of their late ordinary, take and sign the test in his presence; and particularly the persons underwritten, Mr John Menzies, professor of divinity in the college marshal of Aberdeen; Mr Patrick Simson and Mr William Blair, ministers of the said burgh; Mr James Garden, professor of divinity in old Aberdeen; Mr George Anderson at Mortlich; Mr John Barclay at Cruden; Mr John Cockbrien at Old-deer; and Mr Patrick Innes at Bamff. The council allow them to return to their former charges, and to enjoy the emoluments and profits thereunto belonging."

* *Council's letter about the earl of Argyle's jurisdiction, January 31st*, 1682.

May it please your majesty,

The estate of Argyle being now in your majesty's hands, by forfeiture, we thought it our duty (your majesty living at a distance, and your royal interest being so much forgot in the last restoration of that family) to offer humbly, as our faithful advice to your sacred majesty, that the offices, jurisdictions, and superiorities, belonging to the late earl, should for ever remain with the crown, as necessary for the support, and for the maintenance of your royal government; both which must suffer very much by the want of such extraordinary powers, and by raising a subject in those remote places to so formidable capacities; nor seems it prudent or just to us, that so many loyal families who have suffered by his, for your majesty's royal father and yourself, during the late rebellion, should now again, for the second time, be subjected to his jurisdiction, whereby all honest men might be discouraged to continue firm in a hopeless loyalty. And though it may seem reasonable, that the lands, which your majesty designs to bestow upon that family, should hold of your majesty immediately, yet that others should hold their lands of it, seems neither necessary nor legal to us, who have considered the laws whereby hereditable jurisdictions are prohibited; and by which it is declared unlawful to interpose a superior betwixt your majesty and those who are, by the forfeiture, become your majesty's immediate vassals, the dependence of which vassals will certainly very much contribute to the securing your majesty's government, they being so many, so great, and so loyal; nor doubt we but your majesty (whose justice hath been still as eminent as your wonderful clemency) will be careful to see the poor creditors of the late marquis and earl of Argyle, satisfied out of their estate, it being very hard that honest men, whereof many have suffered for the crown, should be forfeited for the crimes committed by them against it; and to restore them to the others' prejudice, were to take an estate from the innocent to gratify the posterity of those who are guilty. For which reason also, and to encourage such as resolve to be loyal, in this age that needs so much encouragement, we do, with all humble confidence, intreat, that some respect may be had to such as have been eminent sufferers for the monarchy, suffering being as just, and as to your majesty a more meritorious debt than lending. We hope the interests of the bishops of the isles and Argyle, and the retaining many patronages, which belonged to that family, will not need our recommendation, being so just in themselves, and so fit for the crown, that we could not emit the remembering of these also. This having been the unanimous opinion of us your majesty's privy council, will, we hope, prove not only a great testimony of our duty to your sacred person, but will remain upon record to after ages, as a testimony of our concern for the imperial crown in this kingdom, which shall in all cases be faithfully observed, by your majesty's most humble, most faithful, and most obedient subjects and servants.

Subscribed *ut in sedcrunt*, except his royal highness and Dalziel, with the advocate and Lundin.

1682. The good nature of the council in these cases encouraged more applications. And March 2d, Mr Robert Irvin, minister of Towie, petitions to be admitted to take the test, and the lord primate is allowed to administer it to him. And March 16th, upon their petitioning, Mr Hugh Munro at Deurness, Mr James Smith minister at Dores, Mr Duncan Macarthur in Innercholan in Argyleshire, Mr William Black minister at Closburn, Mr John Fullarton minister at Kilmodan, heritor, are all allowed to take the test before their ordinaries. Upon the other side one instance offers. April 20th, it being represented to the council, that Mr Robert Spottiswood, minister at Chreighton, having refused to take the test, continues to possess the manse and glebe; and Mr Robert Arbuthnot, now minister in that place complains of this; the council order him to be possessed of manse and glebe.

I observe no more this year in the registers, about the test, but an act of council May 11th. "His royal highness and the privy council understanding, that in several places of the kingdom, divers kirks are vacant through the late incumbents not taking the test, whereby the right of presenting to these vacant kirks hath fallen, or may fall into the bishops' hands, *jure devoluto*, and finding it necessary for his majesty's service, and the good of the church, that those vacancies be forthwith filled up, do require and command the archbishops and bishops, so soon as the right of presentation falls by devolution, to supply those parishes with fit and qualified persons who will take the test."

While the council are thus busy about the test, the society people are bearing their testimony against it. According to their former resolution in December, upon the 12th of January this year, a considerable company of them came in arms to the town of Lanark, and published their declaration before spoken of, and left a copy of it affixed to the market-cross. As soon as the account of this came in to Edinburgh, January 14th, the council write a letter to the king, bearing "that some vagrant persons, about forty horse and twenty foot, well armed, published the declaration sent herewith, January 12th, and that they had sent some forces to the town of Lanark with a committee of council to inquire into that matter, and punish the actors." Afterward we will find they delayed this committee of council, and sent major White with severe instructions, which will come in next section.

I am likewise informed, that they burned the act of the last parliament, anent the duke of York's succession to the crown, and the act imposing the test. This was the method that people choosed to signify their abhorrence of these iniquitous acts; and it proved a handle to the managers, to put a more public affront upon the solemn league and covenant, which had been burned before at Linlithgow, only by the authority of the magistrates: the council, at the same time, emitted the following act, which, because short, I insert here.

Act of council for burning the solemn league and covenant, and several other traitorous libels.

At Holyrood-house, January 14th, 1682.

"Forasmuch as, albeit by the seventh act of the first session of his majesty's first parliament, and the second act of the second session of that same parliament, that oath and combination, commonly called the solemn league and covenant, is condemned as treasonable, and the taking and renewing thereof by any of the subjects, is declared to be high treason: yet, in the year 1666, and since, several desperate and incorrigible traitors have taken upon them to renew and swear the said covenant, and to emit and publish several treasonable and scandalous libels, founded thereupon, as particularly these treasonable declarations published at Rutherglen and Sanquhar, the libel called Cargill's covenant, the late declaration published at Lanark upon the 12th of this instant, intituled, 'the act and apologetic declaration of the true presbyterians of the church of Scotland:' his royal highness his majesty's high commissioner, and lords of his majesty's privy council, to evidence the great abhorrence they have of these treasonable libels, do ordain, that upon Wednesday next, being a market-day, the said treasonable libels, viz.

the solemn league and covenant, the Rutherglen and Sanquhar declarations, the libel called Cargill's covenant, and the late treasonable declaration at Lanark, be publicly burned at the cross of Edinburgh by the hand of the common hangman; and ordain the provost, bailies, and town-council of Edinburgh, to be present, and see the same solemnly done the said day, betwixt eleven and twelve in the forenoon; and to report an account of their obedience to the council the next council-day thereafter; and that these presents be printed and published. Extracted by me

"WILLIAM PATERSON, Cl. Secr. Concilii."

In this act, the council follow the copy casten by the society people, in showing their abhorrence at these, as they call them, treasonable libels. This practice Mr Hamilton and his party at Rutherglen, probably borrowed from the public burning of the solemn league at London, after the king's restoration, and the example of the Linlithgow cavaliers. Many reflections might be made upon this act. I do not see, that the acts of parliament cited, condemn the solemn league and covenant as treasonable, though the renewing of it be discharged; and if the council found this good reasoning against the solemn league, that because it was discharged to be renewed, and yet had been renewed 1666, and since, it holds as much against the national covenant, and yet they had not the effrontery to condemn that to the flames, neither can I see the grounds upon which the council say, the Rutherglen, Sanquhar, and Queensferry papers are founded upon the solemn league and covenant. This indeed is one of the best authorities the framers of these papers could almost have desired at this time, to have the opinion of their persecutors, that their declarations were so well bottomed. I only further notice, that the bailie of Edinburgh, who waited on the execution of this act, had a fire, not long after, in providence, sent to a large building of his in that town; but it becomes all to be very sparing in putting commentaries upon particular providences. The people of the societies add in their papers, and I see no ground to doubt its truth, that this public affront to the covenants, the glory of the kingdoms, was gone about 1682. with great pomp. A large theatre was erected at the cross, and some of the magistrates attended in their robes, until these papers were burned by the hangman. And because the magistrates of Lanark had not prevented the publishing the declaration, which was not in their power to do, the council fine the burgh in 6000 merks, which, I am informed, they were actually forced to pay. And in the council-register of acts and decreets, July 7th, I find a bill presented by the magistrates of Lanark, for lessening their fine, but it was peremptorily rejected. It was February 2d before the council came to pass an act directly upon the Lanark declaration; and that day it runs, "Whereas a company of vagabonds and desperate villains, on the 12th of January last, entered the burgh of Lanark, and published a most infamous and treasonable libel, and none of the magistrates, counsellors, or inhabitants, offered to make the least opposition thereto, nor gave timeous notice to others, the council fine the magistrates in 6000 merks, reserving them relief off the inhabitants and community, declaring still, that the common good of the town is not to be burdened with any part of it." In short in the society's records, they observe upon the back of the publishing that testimony at Lanark, the sufferings of that handful were sad and sharp. Some were banished, and made recruits to serve in the army in Flanders, some were sold as slaves in Carolina and other places in America, in order to empty the full prisons, and make way for more of their number, who were daily brought in from all quarters, and either kept in nasty prisons, thieves'-holes, or in bolts and irons, to make them weary of life, or despatched as sacrifices, without suffering them to speak at their death, or gifted, as slaves, to masters of ships, to be transported, and sold as such.

When the council thus so severely executed the laws, and even took upon them to make upon the matter new laws, there was no need of a parliament, at least for the designs of the persecutors. And so the parliament which was to sit in March,

1682. is, by a proclamation in January, adjourned to the 17th of April. In the proclamation the king is made to say, "That he will not part soon with so loyal and dutiful a parliament." And after that, by another proclamation, it is adjourned till November.

This year I find several additions to the council, and changes among the managers. January 10th, the earl of Strathmore is received a counsellor. February 23d, the earl of Dalhousie is admitted a counsellor. May 8th, his royal highness delivered his majesty's pleasure to the council about the officers of state; that the lord president, afterward earl of Aberdeen, is made chancellor, the marquis of Queensberry treasurer, and the earl of Perth justice-general in Queensberry's room. The sufferers can expect little lenity now, when a papist, or one, who, as soon as occasion served, turned papist, is at the head of the criminal court. May 11th, by a letter from the king, duke Hamilton is added to the council on his taking the oaths and the test; and July 4th, he is restored to all his jurisdictions. The earls of Tweeddale and Middleton are admitted counsellors. And May 12th, lieutennut-general William Drummond of Cromlix, and August 1st, David Falconer, president of the session, are added to the council. August 31st, orders are given by the council to prosecute the lord Halton and other officers of the mint; but, it seems, the thing was not gone into, since, November 7th, I find a letter from the king to the council, commanding them to pursue the lord Halton, now earl of Lauderdale, and other officers of the mint. I shall not dip further into this process, it not falling under the design of this history. I only notice, that now upon the duke of Lauderdale's death, after he had been brought to a great pitch of disgrace at court, his brother is attacked, and faults found in their administration by others than the duke of Hamilton and his party. October 10th, the earl of Middleton is made conjunct secretary with the earl of Murray. And thus a great many new managers, all of the duke of York's party, are taken in.

Having thus taken a view of the change of hands this year, let me go through some incidental things, which will not fall in so well in the following sections. Now that the episcopal clergy are come in to the test, the council take no little care of them. January 19th, they ordain the commission for the kirk, the same we now term the 'commission for plantation of kirks and valuation of tiends,' to meet on Wednesday next, and orderly thereafter; and recommend it to the lords of session not to meet these afternoons when they meet, that their members may attend. February 9th, the council make an act about sending in, and recording the sets of royal burghs. It was one of the arbitrary measures in this period, to bear down the royal burghs. "The council find it for the king's service, that a particular and exact account of the constitution and set of all the royal burghs be sent into Edinburgh, that they may know of what number each burgh consists, merchants or tradesmen, being magistrates and counsellors, and requiré attested copies from every burgh, to be sent in under the clerk's hand, and that the agent for the burghs record them all in a book, and give in the same to the clerks of council with all diligence. March 5th, a letter is read from the king, bearing, "that Don Restaino Cantellino, a person of eminent trust under the king of Spain, and brother to the duke de Populi in the kingdom of Naples, had given him a representation, that these two brothers had good evidences to produce, that their family was descended from the royal family in Scotland, for a continued course of pedigree, from about 330 years before the incarnation to this day, and desiring the proofs and account of their descent may be entered in the proper public records in Scotland, and an authentic extract granted him in the most solemn manner." The king requires the same to be done in ordinary form, that it may be presented to the next parliament, and allowed by them. That same day his royal highness acquaints the council, that he goes to-morrow to wait upon the king at Newmarket; and March 6th, Queensberry is by him desired to follow him, and lay the state of the treasury before the king. March 9th, our bishops write a letter to the archbishop of Canterbury, full of encomiums of the duke, which I have added

below.* I find bishop Paterson went up with the duke, and probably he carried this letter. Bishop Kennet upon this very justly remarks, "that the duke of York, while in Scotland at this time, found his greatest interest to be among the highest of the episcopal party, for which reason he confined his favours to them, and encouraged them to be very severe on the presbyterians. Upon his return he thought fit to have letters testimonials from the Scots bishops to the archbishop of Canterbury." April 4th, by a letter from the king, 1682. the whole counsellors are required to stay at Edinburgh, till his royal highness return from England. And May 8th, the duke returns, and, as we heard, intimates the king's pleasure as to the change in the officers of state. He came down by sea, and the ship he and his company were in, struck on a rock and was lost. The duke and a good many were saved in the boat, but the earl of Roxburgh, the laird of Hopeton, Sir Joseph Douglas, the lord Obrian, with the duke's brother-in-law Mr Hyde, with several others, were lost. It is said, these and others might have been saved had there not been too much care taken, not to throng the boat where the duke was. May 15th, the duke takes his leave of the council, being to return with his duchess to England, where matters were now brought to such a pass, as he might return and manage all. At parting he recommended to the council, the suppression of rebellious persons, especially in Clydesdale, Teviotdale, Fife, and Ayr-shires, and that some troops might be sent thither; and in a particular manner presses the care of the archbishops and orthodox clergy. May 20th, the council write a very fulsome letter to the king about his brother, which stands below.† And at the same time they

* *Letter, Scots bishops about the duke of York, March 9th, 1682.*

May it please your grace,

His royal highness having passed from hence on Monday last, being called by the king to attend his majesty at New-market, we should prove very defective in duty and gratitude, if, upon this occasion, we should forget to acknowledge to your grace, how much this poor church and our order do owe to his princely care and goodness, that his majesty, and the worthy bishops of England may, from you, receive the just account thereof. Since his royal highness's coming to this kingdom, we find our case much changed to the better, and our church and order (which, through the cunning and power of their adversaries, were exposed to extreme hazard and contempt,) sensibly relieved and rescued; which, next to the watchful providence of God (that mercifully superintends his church) we can ascribe to nothing, so much as to his royal highness's gracious owning, and vigilant protection of us. Upon all occasions he gives fresh instances of his eminent zeal, against the most unreasonable schism, which, by renting, threatens the subversion of our church and religion, and concerns himself as a patron to us, in all our public, and even personal interests; so that all men take notice of his signal kindness to us, and observe, that he looks on the enemies of the church, as adversaries to the monarchy itself: nor did we ever propose, or offer to his royal highness, any rational expedient, which might conduce for the relief or security of the church, which he did not readily embrace and effectuate. The peace and tranquillity of this kingdom is the effect of his prudent and steady conduct of affairs, and the humours of our wicked fanatics, are much restrained from dangerous eruptions, upon their apprehensions of his vigilance and justice; for they dread nothing so much, as to see him upon the head of his majesty's councils and forces against them. We hope your grace will make our dutiful acknowledgment to his royal highness for all his princely favours to us, and give him the most firm assurance of our most sincere endeavours to serve him, and of our most fervent prayers for his temporal and eternal happiness, as the bound duty of us,

May it please your grace,

Your grace's most humble, and faithful servants.

Alexander, St Andrews, James Gallovidien,
Jo. Edinburgen, George Brechin,
Andr. Dunkelden, Jam. Dumblanen.
Arch. Glascuen,

† *Council's letter to the king about the duke of York, May 20th, 1682.*

May it please your sacred majesty,

The great satisfaction we had in hearing the many demonstrations of your majesty's kindness to your royal brother, whilst he was so happy as to be with you, was much heightened by seeing him after his miraculous escape at his return to us, in which the enemies of your royal family and government may clearly discover, by what divine care it is assisted and protected, and though the kindness, justice, and moderation, and exemplary loyalty, which he has evidenced during his stay here, his compescing all our disorders, his sustaining the orthodox clergy, and such as had suffered for your sacred majesty and your blessed father, his filling all places of public trust, and your majesty's other judicatories, with persons fitted for the employments to which they were designed, and the laying sure foundations for a future peace amongst us, make us unwilling to part with so kind, so wise, and so careful a prince: yet since your majesty does, by your gracious letter, dated the 29th of April, tell us, that your majesty's brotherly affection to him, moves you not to dispense longer with his absence, than our need did require: we do there-

1682. write another to the duke, "and thank him for the excellent patterns of government he has left them, and beg the continuance of his kindness as one of the greatest blessings they can have, and promise their constant and firm adherence to his service upon all occasions, and beg he may acquaint them with what he thinks fit for his majesty's service, they resolving to follow his measures therein, as the surest methods that can be prescribed." The managers were now entirely in his interest; but such expressions seem a little beyond the respect they owed to the king. It is not so material to add, that November 15th this year, Mr Thomas Gordon is admitted clerk to the justiciary, and Mr Thomas Skene renounces; and under his hand many of the sentences, forfeitures, and other papers following, against the persecuted, fall out.

When thus a violent persecution of real and hearty protestants, is going on apace by nominal protestants, under the management of a bigotted papist, and thereby the interests of popery are fast advancing in Britain and Ireland, the church of France are standing up for their own liberties, and at the brink of casting off the pope, when his fallen kingdom in these kingdoms is fast repairing; and to gratify the curious reader, I have insert the declaration made by the French clergy in the beginning of this year, with the French king's edict thereupon in March,* and shall leave it to himself to

fore dutifully acquiesce in your majesty's resolutions, and shall, with all possible zeal and assiduity, follow these excellent patterns of government which he has left us, hoping that your majesty will receive from him most full assurances of our duty, which should very much increase upon our receiving so favourable an acceptance from your majesty, of our mean endeavours for your service, and that you will, by him, inform us of your royal inclinations and commands, which shall be carefully obeyed by us. Such as are commissionate by your majesty, for inquiring into the courts of exchequer, and the affairs of the mint, have returned to his royal highness an account of their diligence, and why the same are stopped, which we humbly desire your sacred majesty to consider, if his royal highness shall not be arrived before these letters come to your majesty's hands, and in which we expect such speedy returns as may best answer to the exigence of your majesty's service in these great concerns." We are,

Your majesty's most humble, most faithful, and most obedient subjects and servants.

George Gordon, chan.	Perth,
Queensberry,	Tweeddale,
Athole,	Kintore,
Montrose,	Livingstone,
Errol,	George Mackenzie,
Marishall,	A. Ramsay,
Strathmore,	W. Drummond.
Southesk,	

* *French king's edict, March*, 1682.

Louis, by the grace of God, king of France and Navarre: to all present and to come, greeting. Although it be a certain and uncontested truth, established upon the words of Christ himself, that our crown is independent of any power but that of God alone, we have however received, with satisfaction, the declaration which the deputies of the clergy of France, assembled by our permission, in our good city of Paris, have presented to us, containing their opinion touching the ecclesiastical power: and we have so much the more willingly hearkened to the request which the said deputies have made to us, to cause the said declaration to be published; for that, it being made by an assembly, composed of so many persons equally recommendable for their virtue and learning, and who have, with so much zeal, employed themselves in whatever may be of advantage to the church, and our service, the wisdom and moderation with which they have expressed the opinion that ought to be had on this subject, may very much contribute to the confirming our subjects in the respect which they, as well as we ought to have, for the authority which God has given to the church, and to the taking away, at the same time, from the ministers of the pretended reformed religion, the pretext they take from the books of some authors, to render the power of the visible head of the church, and the centre of ecclesiastical unity, odious. For these causes, and other good and weighty considerations us thereunto moving, after having caused the said declaration to be examined in our council, we have, by this our present, perpetual, and irrevocable edict, said, established and ordained, do say, establish, and ordain, we will, and it pleaseth us, that the said declaration of the opinion of the clergy, concerning the ecclesiastical power, hereunto affixed, under the seal of our chancery, be registered in all our courts of parliament, bailiwicks, senechalsies, universities, and faculties of divinity, and the canon law, in our kingdom, countries, lands, and seigniories under our obedience.

I. We forbid all our subjects, and all strangers being in our kingdom, as well seculars as regulars, of what order, congregation, or society they are, to teach in their houses, colleges, or seminaries, or to write any thing contrary to the doctrine contained in the same.

II. We command that those which shall for the future be chosen to teach divinity in the colleges of every university, whether they be seculars or regulars, shall, before they perform that function, in the colleges, or houses secular or regular, subscribe the said declaration in the registers of the faculties of divinity, and promise to teach the doctrine therein contained; and that the syndics of the faculties of divinity shall present to the ordinaries of the places, and to the attorneys-general, copies of the said subscriptions, signed by the registers of the said faculties.

make a parallel betwixt this and the act of supremacy, and other things now so eagerly pressed. I have further added a protestation of the general assembly of 1682.

III. That in all the colleges and houses of the said universities, where there shall be many professors, whether seculars or regulars, one of them shall be obliged every year to teach the doctrine contained in the said declaration; and in the colleges, where there shall be only one professor, he shall be obliged to teach the same every third year.

IV. We command the syndics of the faculty of divinity, to present every year, before the opening of the lectures, to the archbishops or bishops of the places where they are established, and to send to our attorneys-general, the names of the professors who shall have the charge of teaching the said doctrine; and we command the said professors to present to the said prelates, and to our attorneys-general, the writings which they shall dictate to their scholars, when they shall be by them thereto required.

V. We will, that no bachelor, whether secular or regular, shall, for the future, be licensed in divinity, or the canon law, nor received a doctor, till he has maintained the said doctrine, in one of his Theses, which he shall make appear to those that have right of conferring the said degrees in the universities.

VI. We exhort, and also enjoin, all archbishops and bishops of our kingdom, countries, lands, and seigniories under our obedience, to employ their authority, in causing the doctrine contained in the said declaration of the said deputies of the clergy, to be taught in their dioceses.

VII. We command the deans and syndics of the faculties of divinity, to take care of the execution of these presents, on pain of answering the contrary in their own and private capacities.

So we give charge to our well-beloved and trusty holding our courts of parliament, that they cause these our present letters, in form of an edict, to be read, published, and registered, together with the said declaration of the clergy, in the registers of our said courts, bailiwicks, senechalsies, and universities, within their jurisdiction, and that they see the same observed, without suffering any contravention therein, directly or indirectly; and that they proceed against the offenders in such manner as they shall think fit, according to the exigency of the case; for such is our pleasure. And that the same may remain firm and established for ever, we have caused our seal to be put to these presents.

Given at St Germains in Laye, in the month of March, in the year of grace 1682, and of our reign, the thirty-ninth.

(Signed) LOUIS.

And lower, by the king, Colbert, Visa le Tellier, and sealed with the great seal, on green wax.

Registered, the attorney-general being heard, and requiring it, that they may be put in execution, according to their form and tenor, pursuant to the order of this day. At Paris, in parliament, the twenty-third of March, 1682.

(Signed) DONGOIS.

The Declaration of the Clergy of France, concerning the ecclesiastical power.

Many there are who endeavour to invade the decrees and liberties of the Gallican church, (with so much zeal contended for by our ancestors) and even to undermine the foundation of them, which is built upon the holy canons, and the tradition of the fathers; nor are those wanting, who, under pretence of those liberties, are not afraid to lessen the supremacy of St Peter, and his successors the popes of Rome, instituted by Christ, the obedience due to them from all Christians, and the majesty of the apostolic see, (revered by all people) wherein the faith is preached, and the unity of the church preserved. Neither do the heretics omit any thing, whereby they may render the power by which the peace of the church is preserved, grievous and odious to princes and their subjects; and by these frauds, they withdraw the simple from the communion of their mother the church, and of Christ. To prevent which evils, we the archbishops and bishops, met at Paris by the king's command, representing the Gallican church, with other ecclesiastical persons deputed together with us, have, after mature deliberation, thought fit that the following articles should be established and declared.

I. That the power of things spiritual, and such as belong to our eternal salvation, was given by God to St Peter, and his successors Christ's vicars, and to his church, but not that of things civil and temporal, our Lord saying, "My kingdom is not of this world." And again, "Render therefore unto Cæsar the things that are Cæsar's, and unto God the things that are God's;" and this is meant by the words of the apostle, "Let every soul be subject to the higher powers; for all power is from God, and all powers are ordained by God. He therefore that resisteth, resisteth the ordinance of God." That therefore kings and princes are not, by the command of God, subject in things temporal to any ecclesiastical power, neither can they, directly or indirectly, be deposed by the power of the keys of the church, nor their subjects be freed from their duty and obedience, and oath of allegiance. And that this opinion, necessary for the public peace, and no less useful to the church than the state, is to be maintained as altogether agreeable to the word of God, the tradition of the fathers, and the examples of the saints.

II. But that this full power of things spiritual, is so in the apostolical see, and St Peter's successors the vicars of Christ, as that with all the decrees of the holy economical council of Constance, made in the fourth and fifth sessions concerning the authority of general councils, which have been approved by the apostolic see, and confirmed by the practice of the popes of Rome, and of the whole church, and always religiously observed by the Gallican church, are in full force, and continue unalterable; and that the Gallican church condemns those that would take from the force of those decrees, as if their authority was doubted, or less approved, or would apply them only to the times of schisms.

III. That therefore the use of this apostolic power, is to be moderated by the canons made by the Spirit of God, and consecrated by the reverence of the whole world; that likewise the orders, customs, and statutes, received by the crown and the Gallican church, are of force,

1682. the clergy of France, May 6th, against some encroachments they apprehended were going to be made on them by the pope.* And the reader, if he pleases, may compare it with the carriage of the bishops and clergy in Scotland, who were more the duke of York's servants, than the Gallican church would be thought to be of the pope. Indeed the French king turned all these good appearances to a politic, and served his own ends from them, and when that was over, soon made up the seeming breach.

Towards the end of the year, the king signified to the council, that Sir John Cochran of Ochiltree, and Sir George Campbell had come up from several of his subjects in Scotland, as commissioners to deal with him anent a settlement in Carolina, and recommends to the council to encourage them therein; so that whatever meetings might fall in afterwards under this covert, yet such a design was at first really projected, however some English writers ridicule it.

Since writing what is above, the honourable Mr William Carmichael, brother to the earl of Hyndford, has done me the favour to send me the original bond among the noblemen and gentlemen, as to their settlement at Carolina, bearing in the body of it a contract betwixt Sir John Cochran and

---

and that the bounds fixed by the fathers ought to remain unremoved; and that it concerns the greatness of the apostolic see, that the statutes and customs, confirmed by the consent of so great a see, and of the whole church, should be established upon a firm foundation.

IV. That in questions concerning faith the pope has the chief part, and that all and singular churches are concerned in his decrees; but that however his decisions are not unreformable, without the consent of the church.

V. Which doctrines we have received from the fathers, do decree to be sent to all the Gallican churches, and to the bishops, by the Holy Spirit presiding over them, that we may all say the same thing, and be all of the same mind.

Signed by the archbishop of Paris, president, the archbishop of Rheims, six other archbishops, by twenty-six bishops, and the rest of the deputies of the clergy.

Registrated in the parliament of Paris, the 23d of March, 1682.

* *Protestatio cleri Gallicani, May 6th*, 1682.

Ecclesia Gallicana suis se regit legibus, propriisque consuetudines inviolate custodit, quibus Gallicani pontifices majoresque nostri, nulla definitione, nullaque authoritate derogatum esse voluerunt, et quas ipsi summi pontifices agnoscere et laudare dignati sunt; prope tamen est ut perfringantur leges justæ, quas prisca Galliarum religio, reverendaque vetustas, inconcussas fecerunt; acerbissimum, quod sine acerbissimo animi sensu dici non potest, hisce annis superioribus, per provincias Galliarum et civitates, literæ apostolicæ seminatæ sunt, quibus antiqua Gallicanæ ecclesiæ jura et patriæ instituta aperte violantur; ex his scilicet intelligimus, de regni ecclesiarumque nostrarum negotiis, contra mores nostros usurpatam esse cognitionem, in auditis partibus, pronunciata judicia, jurisdictionem episcoporum conculcatam; denique contra canonem ecclesiasticum, et contra consuetudines illustrissimæ Gallicanæ ecclesiæ metropolitæ, gladium excommunicationis intentatum esse.

Dolet clerus Gallicanus, queriturque ex his et aliis quæ exinde facta sunt, oppressas libertates ecclesiarum, perturbatam ecclesiæ formam, illatum dedecus pontificii ordini, terminosque per perruptos quos patres nostri constituerant, et ne officium et causam suam deserere, aut prævaricari suæ dignitati, ecclesiarumque suarum commodis videatur publica contestatione obloqui contra, et inertis silentii a se movere culpam decrevit, ut exemplo patrum suorum in posterum provisum sit, ne quid nocere possit juribus et libertatibus ecclesiæ Gallicanæ, eoque magis inclinat in eam sententiam, quod summus pontifex Innocentius II. morum antiquorum et canonicæ disciplinæ severus actor, non patietur fieri injuriam decretis suorum predecessorum ex canonibus promulgatis, qui rescindebant quicquid subreptum contra privata provinciarum jura, nolebant siquidem ecclesiarum privilegia, quæ semper conservanda sunt, confundi; præterea clerus idem Gallicanus professus antea omnem reverentiam obedientiamque quam semper exhibuit, perpetuoque exhibiturus est cathedræ Petri, in qua potentiorem agnoscit principatum coram clarissimo domino Joanne Baptista lauro protonotario apostolico, et nunciaturæ apostolicæ Galliarum auditori, protestari constituit, sicut de facto protestatur per præsentes, ne literis pontificiis datis ad episcopum Apamiensem die secundo Octobris, 1680, ad ecclesiæ Apamiensis capitulum, eodem secundo Octobris, ad episcopum Tolosanum, die primo Januarii, 1681, ad moniales seu canonissas regulares congregationis beatæ Mariæ virginis, monasterii de Charonne, die septimo Augusti, et quindecimo Octobris, 1680, vel aliis exinde et illarum virtute actis et secutis quibuscunque, damnum aliquod seu prejudicium juribus ecclesiæ Gallicanæ fieri possit, neve quis in aliis locis et temporibus, hoc in exemplum et in auctoritatem trahat, aut antiquos ecclesiæ canones, avitas regni consuetudines, receptosque mores ecclesiæ Gallicanæ oppugnare audeat, aut propterea quidquam sibi licere existimet, immo vero nemo nesciat hoc nihil obstare, quominus canones, consuetudines, jura et libertates ejusdem ecclesiæ pristinam vim et integram authoritatem retineant et custodiant.

Hoc clerus Gallicanus sibi suisque privilegiis cautum consultumque voluit, et omnibus notum esse, ne quis ignorantiæ causam prætexat.

Datum in comitiis generalibus cleri Gallicani, Lutetiæ habitis, 1682. die sexto Maii.

Sir George Campbell, and the lords proprietors of Carolina, for a county consisting of thirty-two square plats, each of which consisted of twelve thousand acres, at a penny per acre, quit rent, with clauses needless here to be resumed, and an obligement of the undertakers to advance ten pounds sterling each, to Sir Robert Baird cash-keeper, before the first of October 1682, for each hundred acres, and other ten pounds sterling, if need be, for charges, with a clause of renunciation to the undertakers, from Sir John Cochran and Sir George Campbell, and the ordinary clause of registration and procuratory. The subscribers are about thirty-six, Callander, Cardross, Haddington, Yester, P. Hume of Polwart, Archibald Cockburn, Archibald Douglas, George Lockhart, Alexander Gilmour, &c. This, I hope, with what is above in the registers, will suffice to stop the mouths of such as give out there was no real design for a settlement at Carolina, and that it was only a pretext to colour their meetings about the plot we shall afterwards hear of.

SECT. II.

Of the procedure, proclamations, commissions, and other actings of the council against conventicles, and suffering presbyterians this year.

BEFORE I come to lay before the reader the oppression and persecution through the country, as well as that of particular persons, it will be fit in this section to give, from the registers, the foundations laid for both by the managers, in their acts, proclamations, and extensive commissions to particular persons, which were very numerous this year. January 5th, "the council understanding there have been of late conventicles kept in East-Lothian, and that they increase, and seditious preachers lurk in those bounds, do appoint the laird of Meldrum to be a sheriff-depute of East-Lothian, and empower him jointly with Eaglescairny already sheriff-depute, or by himself, to prosecute and pursue persons guilty of those disorders, by finings, imprisonments, and dissipating their meetings, declaring this commission is only as to these disorders abovementioned. 1682.

The declaration published at Lanark, brought a great deal of trouble to that shire, and upon this score we shall afterwards see William Harvey condemned. Besides what hath been already noticed, that matter had been referred to the committee for public affairs, and their report agreed to in council follows, with the instructions given to major White.

Report from the committee, and instructions to major White.

"THE report underwritten, brought in from the committee for public affairs, anent the insolence committed lately at Lanark, was approven of by his royal highness and council, and summons ordered to be issued out against the magistrates and council of Lanark, conform thereto, of which report the tenor follows. The committee is of opinion, that it will be fit to delay the sending of a committee of council to the west for some time, until his royal highness be further informed of the condition of the shire of Lanark. The committee has offered to your lordships' consideration, the draught of some instructions to be given to major White, who is to command the forces in Lanarkshire, for your lordships' approbation. It is the opinion of the committee, that letters should be direct against the present magistrates and council of Lanark, at the advocate's instance, for the neglect of their duty, in not raising the town, and opposing these villains that published that infamous libel, at the least for not pursuing after them, and detecting and discovering them."

Instructions given by his royal highness and lords of council to major White, who is appointed to command the forces to be sent to the shire of Lanark.

"1st. You are to get a list from the clerk of the justice-court, of the persons forfeited, or denounced fugitives, for being in the late rebellion.

"2dly. You are to inform yourself where these rebels do haunt and lurk, and do your best to seize the persons of such as have not taken the bond, and imprison

1682. them, and present them to justice, or otherwise drive them out of the shire, and to acquaint the next sheriffs where they are gone, to the best of your information, and order them to seize upon them.

"3dly, You are particularly to seize these rebels in the town of Lanark, that have not taken the bond, and imprison their persons, and give account of their names.

"4thly, You are to inform yourself of the resetters, aiders, and abettors of the rebels, and especially of any heritors that do so, and send in a list of their names to the council, and in the meantime to put them under caution for their appearance when called.

"5thly, You are to concur with any who shall be appointed for uplifting the rents and moveables of these rebels who are forfeited or fugitive, and to inform yourself of what sums are due to them, and be careful, that none of these rebels, or any of their friends or relations, or any others to their behoof, enjoy any of their rents or moveables, and to hinder them or their tenants to plow, sow, or possess the lands by themselves or their tenants, until they find caution to pay the rents to the king, or his donator or collector.

"6thly, You are particularly to inform yourself of these villains, that upon the 12th instant, published that infamous libel at the cross of Lanark, and to seize upon, and secure their persons. As also to inform yourself of their resetters, aiders, or assisters, and who are their masters, and send in lists of their names, and what proof can be had against them, and in the meantime to put them under caution, as aforesaid.

"7thly, You are to be careful to dissipate conventicles, and apprehend any vagrant or fugitive ministers, and send them into the council prisoners, that they may be secured and proceeded against according to law."

No reflections are necessary upon these: the major was a very fit hand to be employed in a work of this nature; and we shall afterward meet with him clothed with new and larger powers. Many bonds were taken for compearance before the council, and general Dalziel was afterwards sent west; but duke Hamilton interposed, and got matters a little softened, as shall be observed.

January 27th, Claverhouse being sent into Galloway with a troop of guards, to execute the military orders given him, (which I have not seen.) "The council allow him to make use of the house or chapel belonging to Sir John Dalrymple, to keep guard in, and in the house at Kirkcudbright, belonging to Sir Robert Maxwell, and allow him to call for, and commune with the rebels, or any suspect to have been in the rebellion from Galloway, and grant him power to give them safe conducts, not exceeding fourteen days, to pass and repass, and commune with him. These powers to continue during pleasure." And January 30th, they grant him a commission, as Sheriff of Wigton, to punish all disorders, disturbance of the peace, and church irregularities in Kirkcudbright, Annandale, Wigton, and Dumfries, as the commission bears.* We shall in the fol-

---

* *Commission to Claverhouse for Wigton, January 31st*, 1682.

Charles, by the grace of God, &c., greeting. Forasmuch as we have already thought fit to give and grant to John Graham of Claverhouse, a commission to be sheriff of the shire of Wigton, fallen in our hands, with the haill powers, privileges, and casualties belonging to the said office, during our pleasure; and considering, that several persons of disaffected and seditious principles, in the shires of Wigton and Dumfries, and the stewartries of Kircudbright and Annandale, have, for disquiet and disturbance of the peace, for divers years past, not only deserted the public ordinances in their parish churches, haunted and frequented rebellious field-conventicles, and committed divers other disorders of that nature, to the great scandal of religion, and contempt of our government, but lately did break forth into, and joined in an open and most treasonable rebellion, and notwithstanding of the many reiterated offers of our gracious indemnity to them, they continue in their former wicked and rebellious practices, being encouraged therein by the not due execution of our laws, and hopes of impunity, by their skulking from one place to another, when they are cited before our judicatories, and pursued and sought for by our forces; and we being fully resolved, that our laws shall be put to due and vigorous execution against these delinquents, and these rebels brought to public punishment and example, in the places where they have been guilty thereof, do, with advice of our privy council, require and command the said John Graham of Claverhouse, to call before him his deputes and substitutes, the persons frequenting and residing in the

lowing section have some consequents of this large commission. May 15th, Claverhouse gets the council's thanks, for his diligence in executing his commission in Galloway.

Upon the 3d of February, to support the forces sent under Claverhouse and others, the council emit a proclamation anent furnishing corn, hay, and straw to the forces. Which, instead of easing the country, as was promised at the parliament, turned about to be a new and heavy imposition. The narrative takes notice that formerly the soldiers not being exactly paid, could not give money for what sustenance they received from the country round them, but only gave receipts which were allowed by the collectors of the cess, yet now their pay and sustenance-money being well settled, they are in case to pay for corn, hay, and straw, and so the country will, instead of being burdened by them, be the better of them. Yet complaints continuing of not payment, the sheriff and two of the commissioners of supply are ordered to meet, and cause provide the forces in garrison, or otherwise, in each shire, with corn, hay, and straw, at the usual rates of the country, the soldiers being enabled to give ready money; if the sheriffs neglect, they are to be proceeded against, and if the country refuse, they are to be fined and imprisoned. And if the soldiers refuse to pay ready money they are to be proceeded against according to law. By this act the oppressed country people were obliged to bring provision, and the execution of this was well seen to; but when the money was not paid, as was most frequent, no redress could be had against the soldiers, who, in this, and most things, were both parties and judges, and no complaints could be easily tabled against the army, and when made, they were generally neglected. 1682.

February 10th, the council grant the same powers in the shire of Lanark, to major White and Meldrum, that Claverhouse hath in Galloway, but superadd a justiciary power against all below heritors, who have been in the rebellion. This commission was, in March, a little superseded, by the interposition of the duke of Hamilton.

Because the presbyterians in the town of Edinburgh, now when conventicles were but rare, could best be reached as to baptisms and marriages, therefore the council, March 2d, grant power to major Johnston, to pursue persons in the town of Edinburgh, and liberties thereof, guilty of disor-

---

said shire of Wigton, guilty of withdrawing from the public ordinances, in their parish churches, since our late act of indemnity, as also the persons guilty of conventicles, disorderly baptisms and marriages, harbouring and resetting of rebels during the said space, and to impose and exact the fines conform to the acts of parliament, and to do and perform every thing requisite and necessary, for putting the same to due and vigorous execution; and considering, that the persons guilty of these disorders, do remove from one jurisdiction to another, when they are called in question and pursued; and that we find it necessary for our service, in this exigent, that the persons guilty of these disorders, in the places adjacent, within the said shire of Dumfries, and stewartries of Kirkcudbright and Annandale, to be brought to justice, in order to the reducing that country to the due obedience of our laws, and the securing the peace of our government, we, with advice foresaid, do hereby nominate and appoint the said John Graham of Claverhouse, to be our depute within the said jurisdictions, for putting in execution our laws against transgressors and delinquents, in the cases foresaid, and to uplift and exact the penalties incurred by them thereby. It is hereby declared, that this commission is no ways to be prejudicial to the right of jurisdiction, belonging to the sheriff of Dumfries, and stewards of the stewartries of Kirkcudbright and Annandale, and that the said John Graham is only to proceed and do justice in the cases foresaid, when he is the first attacker. And further, we, with advice foresaid, have thought fit to give and grant, and do hereby give and grant to the said John Graham of Claverhouse, our full power, authority, and commission, as justice in that part, to call before him any person, not being heritor, who shall be apprehended for being in the late rebellion, and have not in due time taken the benefit of our gracious act of indemnity; and for that effect, to fence and hold courts, create clerks, sergeants, dempsters, and other members of court needful, and to call assizes and witnesses as often as need be, absents to amerciate, unlaws and amerciaments to uplift and exact, and, in the said courts, to put the said persons to knowledge and trial of an assize, and, according as they shall be found innocent or guilty, that he shall cause justice to be administrate on them, according to the laws and acts of parliament of this realm; *promitten.* to hold firm and stable whatsoever things he shall lawfully do in the premises. Given under our signet at Edinburgh, the last day of January, 1682, and of our reign the thirty-fourth year.

1682. derly marriages and baptisms, in terms of the act 4th, parl. 1st, and act 6th, sess. 2d, and act 2d, sess. 3d, and act 4th, of this current parliament; and the council declare they will reward him according to his diligence, out of the fines of the delinquents. This was matter of sore oppression to many; and, in a short time, we shall hear that gifts of these fines, in other burghs, were given to others, and vast sums raised by compositions.

Upon application made to the council, by the heritors of the shire of Lanark, they pass the following act, March 5th.

Act suspending the execution of bonds in the shire of Lanark.

"His royal highness his majesty's high commissioner, and lords of his majesty's privy council, having considered some humble offers made by several noblemen and gentlemen of the shire of Lanark, viz. the lord duke of Hamilton, the lords Semple and Blantyre, Cromwell Lockhart of Lee, Sir William Hamilton of Preston, Sir George Lockhart of William Hamilton of Orbiston, John Hope of Hopeton, William Baily of Lammington, William Hamilton of Wishaw, and Mr John Bannatyne of Corehouse, do hereby suspend all further execution upon any bonds given to the sheriff-depute of Lanark, Major White, or laird of Meldrum, by the forenamed persons their tenants, who have been in use to frequent any other parish church, though not their own, upon the account of their incurring the penal statutes, in withdrawing from the public ordinances in their own parish churches, for the time past only, or upon any decreets pronounced by them, or either of them, upon that account, as to the said time past, and that during his royal highness and the council's pleasure allenarly, that they may see what endeavours the foresaid persons their masters will use to reclaim them, and what success such endeavours shall have.

We shall afterwards see, that general Dalziel was sent to that and other shires, to bring heritors yet a greater length, and what followed thereupon.

March 9th, upon some gathering at Haddington, of which I cannot give an account, the council, "considering the increase of conventicles and disorders in the shire of Haddington, do command Eaglescairn sheriff-depute, and lieutenant Thomas Windram, to call before them persons guilty of disorders and conventicles in Preston, Prestonpans, Tranent, Seton, Cockenny, and pass sentence, and put the laws in execution against them, and report against the 24th of March." March 14th, upon information of a field conventicle lately kept in Kinross-shire, the council order the earl of Balcarras, with concurrence of Sir William Bruce, to pursue and punish the persons guilty, with the utmost severity of law, that in the beginning these disorders may be crushed. March 21st, the lord Livingstone is allowed to act alone in Kirkcudbright, in holding courts, since Orchardton is indisposed; and a party of the forces is ordered to wait on him. At the same time, the council being informed that conventicles are breaking out again in Perthshire, particularly towards Fife, and in and about the town of Perth, grant commission to the marquis of Athole, and his deputes, to execute the laws against conventicles, withdrawers from ordinances, and that he call a party of soldiers, or the gentlemen and heritors, to his assistance. And March 30th, the earl of Linlithgow and his deputes are empowered to execute the laws against conventicles, and other disorders in the regality of Ogleface, Falkirk, and Linlithgow. April 6th, Sir William Bruce reports from the shire of Kinross, "that he had convened before him all who were present at the late conventicles, and fined them; and since, they have all, save a few, returned to their duty, and engaged to keep their parish kirk." May 5th, the council pass an act discharging suspensions to be past upon fines for conventicles, without their order. How far this encroached on the power of the lords of session, I leave to lawyers to consider. The act follows.

Act about suspensions.

"The lords of his majesty's privy council, considering the sheriffs, stewards, bailies of regalities, and other inferior judges in several places of the kingdom, have, in prosecution of the laws and acts

of parliament, called and convened divers persons before them, and fined them for conventicles, disorderly baptisms and marriages, and withdrawing from the public ordinances; and being informed that, to elude and evacuate the execution of the laws, some persons have given in for suspension of these sentences before the session, and the same being matter of government, wherein his majesty's privy council are only competent judges, do therefore prohibit and discharge any writer to the signet, to form any bills of suspension of any sentences or decrees, pronounced or to be pronounced by any judge or magistrate, or any having commission from the council, of any fines imposed or to be imposed by them for conventicles, disorderly baptisms and marriages, and withdrawing from the public ordinances, and the clerk of the bills, or any of the servants, to receive in or present to the lords of session, or any of them, any such bills, under pain of deprivation of the said writers and clerks; and recommend to the lords of session, in case any bills of the nature foresaid shall happen to be presented to them, to reject the same, and leave them to the consideration of his majesty's privy council, as only judges competent therein; and ordain an extract hereof to be delivered to Sir William Sharp, who is to intimate the same to the writers to the signet, and another extract to the clerk of bills, who is to affix the same in the bill-chamber; and the lord advocate to intimate the same to the lords of session."

The council, May 20th, in prosecution of what the duke of York, as we heard, recommended to them at his departure to England, instruct general Dalziel to go with some of the forces to the shires of Lanark and Ayr, and the laird of Meldrum, and such officers as the general shall think fit, to send to the shires of Roxburgh, Selkirk, and Berwick, in a very large and comprehensive manner. I insert them here.

Instructions to General Dalziel, or such Officers as he shall think fit to send into Lanark and Ayr shires.

"1. You are to be at Hamilton upon Friday next, being the 26th of this instant, and there to confer with the lord duke of Hamilton, and such others of the commissioners and gentlemen of that shire as shall be present, and to hear and consider what proposals shall be offered by them, for the security of the peace of the shire of Lanark, in time coming. 1682.

"2d. You are to inquire for a list of such rebels, either heritors or tenants, as have not yet submitted themselves, and to consider what is fit to be done for bringing in the obstinate and rebellious ringleaders, that they may be brought to justice, and their resetters.

"3d. You are to hear what submission and offers shall be made by any of the rebels, or their resetters, or their friends in their names, as desire to cast themselves on the king's mercy, and will live peaceably in time coming, and what security they will give for their future good behaviour.

"4th. You are to inform yourselves of fit places for lodging and receiving any number of forces shall be thought fit to send into that shire, and to consider how they shall be provided with grass and other necessaries.

"5th. You are particularly to think upon some fit ways for seizing of any rebels, or vagrant preachers, skulking upon the confines of the shires next to Ayr and Galloway.

"6th. You are to take care that ways be fallen upon for making persons, both innocent and guilty, keep their parish-churches, and to consider what methods shall be used to that effect.

"7th. You are also to consider of a great abuse lately committed by some who take all illegal courses to take back the goods of such as have been fined or sequestrated upon the account of rebellion, and who threaten any who buy such goods that have belonged to the rebels.

"8th. You are to be careful to fall upon ways, to know if any of the rebels' estates, and rents, and moveables, be possessed by their wives, children, or friends, to their behoof, and to send in lists of any guilty of such contrivances.

"9th. You are to consider, and inform yourselves of fit persons to be named as

1682. commissioners of the militia, and justices of peace in that shire, and such as shall be fit to be recommended as officers of the militia thereof, such as lieutenants of horse, and other inferior officers.

"10th. Upon Tuesday come se'en-night, you are to repair to the town of Ayr, and there to meet with the earl of Dumfries, and the commissioners of that shire, where the laird of Claverhouse is to be present with you, and there to confer with them anent the security of that shire, and you are to follow the rest of the instructions above set down, as to Lanark.

"11th. After you have taken all the pains and care you can, for discovery of the present condition of that shire, and considered of the proposals offered by the gentlemen, you are to return back to the shire of Lanark, and the laird of Claverhouse with you, and there to consider what further necessary is to be done, as to the settling of the peace of both these shires; and, upon the whole matter, you and Claverhouse are to come in with all possible diligence, and give an account to the lord chancellor of your procedure, to be communicated to his majesty's privy council."

The general, and these commissioned by him, obeyed those instructions, and, June 9th, the council make the following act upon their report. "The lords of his majesty's privy council, having considered the report of general Dalziel, of the condition of the shires of Lanark and Ayr, and of the laird of Meldrum, anent the condition of the shires of Roxburgh, Berwick, Selkirk, and East-Lothian, representing, that they were informed, that some of the late rebels, who hitherto have not submitted themselves, are desirous to have allowance to supplicate for the king's mercy, in the great sense they have of their high crime; the said lords of council, out of pity and compassion to these miscreants, have thought fit to grant, and hereby give and grant full power and commission to the lord duke of Hamilton, for the shire of Lanark, the earl of Dumfries, for the shire of Ayr, and the laird of Meldrum, for the shires of Roxburgh, Berwick, Selkirk, and East-Lothian, to grant safe-conduct to such of these rebels as, by petitions, shall in a humble manner, address themselves to these respective bounds, bearing the great sense they have of their high crime of rebellion, and treason against their lawful king, and their resolutions, promises, and engagements to live as becomes good and faithful subjects, in time coming, and as they find cause, to receive or reject their petitions; and that such petitions as they shall think fit to receive, to transmit them to the council, to be considered by them, whether or not they shall think fit to recommend them to the king's majesty, for mercy and pardon for their lives, providing the said safe-conducts exceed not the space of one month, after the ingiving of their petitions, they always acting nothing contrary to the peace of the kingdom, during the said time; giving warrant hereby to the said commissioners, or any of his majesty's subjects, during that time, to meet, speak, and correspond with them, without any peril or danger, notwithstanding of any law to the contrary; provided also, that no petitions shall be received from any of these rebels, if they be prisoners for the time; and ordain this commission to endure until the third day of August next only, except the council shall think fit to prorogate the same." That same day, a letter is writ to the duke of Hamilton, wherein they acknowledge his good offices to bring people to their duty, and promise to acquaint the duke of York with it, who, they say, will signify to his majesty, and tell him, they have empowered him to give a safe-conduct to such rebels as apply to him. July 7th, this power is lengthened out till August 15th. The duke, that day, presents six petitions for rebels, and they are allowed to come in before the council.

May 29th, upon information of a riot in the parish of Drone upon the person of Mr George Drummond serving an edict for Mr Taylor, to be minister there, the council order a troop of horse under the lord Ross's command, and a company of foot under captain Maitland, to quarter in that parish, and receive orders from the marquis of Athole, and seize upon the persons active therein, particularly Mr Alexander Pitcairn and his beadle, who are reputed to have hounded them out; and by a letter to the

marquis, order him to hold courts, and convene old and young, men and women, who were in the kirk, and did not assist the minister, and fine such as are capable of fining, and imprison and scourge others for an example, and report to the council. With this letter they send instructions to the lord Ross and captain Maitland, "to march to Drone and quarter there till further order, to concur with the marquis of Athole in executing the laws against the rioters, to get information of such as had accession thereto from Mr Drummond and Taylor, and the neighbouring ministers and gentlemen, that such as committed any violence upon the ministers, be sent over prisoners to the council, with the names of such as cannot be apprehended, to concur for installing the minister as the bishop shall direct, and to insert the names of the heritors of the parish in the council letters sent them, with those of the ringleaders and principal actors whom they cannot apprehend, that they might compear before the council, June 7th." I find that day some prisoners ordered to be brought up to Edinburgh. And June 9th, the council write another letter to the marquis of Athole, approving what he has done, and requiring him to continue his diligence.

June 8th, the council grant commission to Andrew Aitchison, under the direction of some others, to execute the laws against persons guilty of disorders in the shire of Renfrew, as the commission itself more fully bears.*

July 5th, the lord chancellor having represented "that a considerable number of men in arms had been discovered in the shire of Peebles, yet none of the heritors or country people had given information of it: and seeing by ancient laws it is statute, that where any number of men are seen in arms in the Highlands, borders and other places, the people are obliged to discover them, and assist the magistrates in apprehending them, he moved that those laws might be considered, and a proclamation for that end emitted." The council remit it to lord register, advocate, and Collington, to bring in the draught of a proclamation. Accordingly the council emit their severe proclamation July 8th, "for discovery of persons in arms, and apprehending of rebels and fugitives," which I have insert below.* 1682.

* *Commission to Aitchison for Renfrew, June 8th*, 1682.

Charles, by the grace of God, &c. greeting. Forasmuch as Alexander earl of Eglinton, sheriff-principal of the shire of Renfrew, being, for the present, forth of this kingdom, and he having given a deputation to Andrew Aitchison, writer in Edinburgh, to serve as sheriff-depute of the said shire, who being a person that hath not any interest therein, and finding it necessary for the good of our service, that he should be advised and assisted in his procedure, in matters concerning the government and public peace of the shire, by the persons underwritten, in whose fidelity we have special confidence: therefore, we do hereby grant *full* power and commission to Alexander lord Montgomery, Sir Archibald Stuart of Blackhall, William Hamilton of Orbiston, James Ballantyne of Kelly, and Hugh Crawford younger of Jordanhill, or any three of them, to meet amongst themselves, at such times and places as they shall think expedient, and to consider, propose, and set down in writ, such rules, orders, and directions, as they shall think fit to give to the sheriff-depute of the said shire, in his procedure against persons guilty of conventicles, withdrawing from the public ordinances, disorderly baptisms and marriages, for delating, seizing upon, and apprehending such rebels as do haunt within the said shire, and vagrant preachers, and for the pursuing and punishing of the resetters of them; and to call before them the said sheriff-depute, and to deliver to him their instructions and directions in the said matter, who is hereby ordered to proceed according thereto, as he will be answerable; ordaining hereby our said commissioners, to give an account from time to time of their procedure, and the procedure and diligence of the said sheriff-depute, in the execution of our laws within the said shire; and do hereby recommend to the commanders of our forces, to assist our said commissioners, with such parties as they shall think fit to call for, from time to time. And we do declare, that we will remember kindly the service our said commissioners shall do us, in the execution of this our commission, and requite the same when occasion shall offer; and this our commission is to continue until we think fit to recall the same. Given under our signet at Edinburgh, the eighth day of June, and of our reign the thirty-fourth year, 1682.

* *Proclamation, July 8th*, 1682.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: albeit, by the blessing of Almighty God upon our royal endeavours, the many attempts of his and our enemies, (made most impiously under pretence of religion and zeal, against the laws of God, of nature, of nations, and of this our kingdom, designing the over-

1682. The societies united for correspondence had their general quarterly meeting at Tala-lin, in the parish of Tweedsmuir, in the shire of Peebles, upon the 15th of June last. In their registers I find nothing done at this meeting, save some endeavours to free themselves of a schism breaking in upon some of their societies by the endeavours of James Russel and some others, who were running to some extravagancies like those of Gib. The proclamation makes them eighty armed men; but neither we they all in arms, nor near that number far. The curate of Tweedsmuir acquainte the council with this meeting, and they saw good to issue out this proclamation in

throw of religion, government, liberty, and property,) have been frequently disappointed and defeated, and their malice turned upon their own heads; and that the many acts, both of mercy and justice, exercised by us, conform to the laws of God and the kingdom, and the great prudence, vigilance, moderation and justice of our dearest and only brother, during his abode in, and government under us, of this our ancient kingdom, have had such happy success, as to bring our good subjects to further abhorrence of fanatics and their impieties; and most of these who were misled by the lying spirit of some of their pretended ministers, are shrunk from these ways, whereof they are justly ashamed, so that our people are brought nearer to that dutiful and peaceable deportment, which becomes christians and subjects. Yet some are so indefatigable in malice as to continue and stir up others to disturb that peace and tranquillity, which our people may enjoy under our reign: insomuch as of late, some traitors, runnagates, and fugitives, have convocate towards the number of eighty, with forbidden weapons, and in unlawful manner, near to Talla-lin, in the shire of Peebles: and the people in that country have been so defective in the duties of loyal subjects, or good countrymen, as to neglect giving timeous notice of such meetings or actings, either to our council, the sheriff of the shire, or the commanders of our forces, who were nearest to them; and this neglect of theirs, being not only a breach of duty in them, but of very bad example, and dangerous consequence, if practised by others on such emergents; we therefore, by our royal authority, and also in conformity to the whole course of our laws, particularly to the 144th act of the 12 parl. king James VI., and 7th act, parl. I., king James I., do hereby strictly require and command all the subjects and inhabitants within this our kingdom, whether in burgh or land, upon knowledge or information that any number of men do convocate unlawfully in arms, or appear in company in any place, or where any one or two of such, as are declared traitors or fugitives from our laws, on treasonable accounts, shall repair, that they shall with all diligence give intimation thereof to our chancellor, and such others of our secret council, as shall be at Edinburgh: as also, without delay, that they give information to any commander of our forces, who shall be nearest to the place where the said unlawful convocation, or such traitors and fugitives are, and to the sheriff of the shire, steward of the stewartry, bailie of the regality, or magistrates of burghs, where the said meeting or persons appear, or are informed to be, and that within the space of one hour at most, for every three miles distance they are at the time from Edinburgh, or from the nearest commander of the forces, sheriffs, and other magistrates foresaid. And further, we do hereby require and command our said sheriffs, bailies, and magistrates upon any such information given to them, that they call together competent numbers of our good subjects, and with these do exact diligence, at the utmost of their power, to search, seek, and apprehend these who are so met, and to present them to justice, and to follow them until they be apprehended, or expelled out of their jurisdiction, and on their flight, they are immediately to acquaint the magistrates of the next shire, whither they are fled; who are hereby required to do the like diligence, and so from shire to shire, until they be apprehended, or expelled forth of this realm: and in case any hurt or skaith fall out in the pursuit, or in apprehending of these so unlawfully convocate, the actors thereof are to be free, and unpunished in any manner of way; with certification, that these whoever fail in their said respective duties, whether it be the magistrates, in not pursuance, or our other subjects, in not giving timeous information, within the space foresaid, or in not rising with, and assisting the magistrates in their forementioned duties, they shall be held and repute as disaffected to our government and service, and as art and part, and connivers with them in their said unlawful designs and convocations, and undergo the punishment due to these who were of the said unlawful convocation, by the laws of this our kingdom. And we hereby of new intimate to all our subjects, that whoever shall intercommune with, reset, supply, shelter, or give any comfort to any declared traitors or fugitives, or who shall conceal, reset, or shelter any who do convocate, in manner foresaid, that such resetters or assisters shall be proceeded against, as if they were guilty of the crimes whereof these traitors and fugitives are guilty, according to the just rigour of our laws. Our will is herefore, and we charge you straitly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and the haill market-crosses of the headburghs, and haill parish kirks of this kingdom, and other places needful, and there, in our name and authority, by open proclamation, make publication of our royal will and pleasure, in the premises, that none may pretend ignorance, but give cheerful and punctual obedience thereto. The which to do we commit to you conjunctly and severally, our full power by these our letters, delivering them by you duly execute, and indorsed again to the bearer.

Given under our signet at Edinburgh the eighth day of July, one thousand six hundred eighty-two years, and of our reign the thirtieth and fourth year.

Per actum dominorum secreti concilii.

PAT. MENZIES, Cl. Secr. Concilii.

GOD SAVE THE KING.

the manner we have seen. Its tenor is somewhat singular, and therefore I shall make a remark or two upon it. The penners of the proclamation blame the people whom they prosecute, for designs to overthrow religion, government, liberty, and property. I have not met with the two last in the public papers emitted by the managers. And one must reckon it next to impudence, to charge their own crimes upon the suffering party, who were struggling for religion, liberty, and property. And these who put forth this proclamation had done so much against all the three, that it was a wonder they blushed not to put the subjects in mind of them. *Quis tulerit Gracchos?* Next follows a triumph on the success of their persecuting courses of late; and it is alleged, "that most part were reclaimed, and brought to an abhorrence of fanatics and their impieties, and that many of those, who were misled by the lying spirit of some of their pretended ministers, are shrunk from those ways." This is a triumph before the victory in their sense. There is no doubt but their cruelties and oppressions had very much borne down the persecuted party, and, one way or other, they had now for some time got rid of field meetings; but when providence, in kindness to this poor land, had brought their barbarities to a period by the happy revolution, it appeared what a vast body of presbyterians remained even in these places where their rage mostly had been exercised. And since, according to them, so very few remained unreclaimed, it may be naturally inquired, why so much severity as in this proclamation? and what account can be given of their growing impositions, and hardships upon presbyterians in the following years? But the matter is magnified in compliment to the duke of York and his administration, which was as far from moderation as from justice, and had very little prudence mixed with it. Notwithstanding of this alleged success, they complain that some traitors, runagates, and fugitives, had a meeting, to the number of eighty armed men, at Tala-lin. I question much if there were twenty. The people of that country are blamed for not informing against them, which, it is probable, they could not do, since these meetings were kept with as much secrecy as possible. Whereupon "all subjects and inhabitants of the kingdom are commanded, upon knowledge or information that any number of men convocate unlawfully in arms, or appear in company in any place, or where any one or two of such as are traitors or fugitives shall repair, that they shall with all diligence inform the chancellor, or such of the privy counsellors as shall be at Edinburgh, and the next commander of forces, sheriff, or magistrate, within an hour at least for every three miles distance, who are required, upon the information, to convocate good numbers of subjects, and do their utmost to search for, seek, and apprehend such who are so met, and present them to justice, and to follow them till apprehended or expelled out of their jurisdiction; and, upon their flight, they are to acquaint the magistrates of the next shire, who are to do the like diligence; and so from shire to shire, till they be apprehended or expelled forth of this realm. With certification, that whoever fails in the premises, magistrates in pursuing, or others in informing, or rising with and assisting the magistrates, shall be held as disaffected to the government, as art and part with, and shall undergo the same punishment with those who were in the said convocation." And the council of new intimate, that all intercommuners with, resetters, suppliers, &c. of traitors or fugitives, or who conceal, reset, or shelter such who convocate in manner foresaid, shall be proceeded against as if they were guilty of the crimes whereof these traitors and fugitives are guilty, according to the rigour of law. 1682.

I have given this statutory part at full length, and nothing needs be said to expose the unaccountableness and severity in it. Upon informations, whether true or false, the hue and cry must be raised, and the country alarmed, and all who are silent, or refuse to concur in persecution, are traitors in law. Perhaps the parallel to this, all circumstances being considered, is not to be found in history, except in this period. This proclamation for raising the hue and cry, as it was called after the English me-

1682. thod, was exceedingly troublesome. We shall find it was the great handle some years after this against the lairds of Allanton and Hartwood, Mr William Violant, and multitudes of others. And upon the score of this meeting at Tala-lin, great numbers of people were cited before the courts, now held all the country round. In the parish of Strathaven, a good many miles distant from it, I find Thomas Leper in Field-head, Thomas Walker his servant, and John Mack, with five more, were imprisoned, upon allegance of their being at that meeting, whereas none of them were there; and though accounts have not come to my hand, I have no doubt but in the parishes of Lanarkshire, nearer than Strathaven, and others bordering yet more near to the place of meeting, great numbers of people were brought to trouble on this score.

July 11th, upon information of some resistance made to some soldiers near Loudon, the council send the following commission to the earl of Dumfries. "The lords of his majesty's privy council, having received information of a horrid outrage and violence committed on Sunday last, upon the persons of three dragoons, in the house of one of the earl of Loudon's tenants, near to the house of Loudon, who were sent there by the collector of the cess, to quarter for some bygone deficiencies, the said soldiers being set upon, invaded and wounded, to the great hazard of their lives; and whereas the council reflecting, that at or near to the same place, there have been several such like outrages committed upon the king's soldiers, on the like occasions, have ordained letters to be direct for citing the earl of Loudon to appear before them the first of August next, and to exhibit and produce the persons guilty. And do hereby grant full power and commission to the sheriff-principal of Ayr and his deputes, the bailie-depute of the bailiary of Cunningham, and commanding officers of the forces, sent or to be sent by the lieutenant-general thither, to meet upon the place, and to inquire into the said violence, and to make discovery of the persons guilty thereof, and of the former violences done to soldiers in that place, by all legal ways and methods; as also to cause sequestrate the goods of such as they shall find guilty, and to take possession of them until sufficient caution be found to make the same forthcoming; and appoint them to return an account of their procedure to the council with all diligence."

The council, August 3d, have some petitions presented by the earl of Dumfries and duke Hamilton, from persons who had been at Bothwell, and they allow the earl to prorogate the safe conduct granted by him to such persons, or others who are content to take the test, until the 6th of September, that they may apply themselves to the council, otherwise the earl is not to prorogate the said safe conduct to them. This prorogation did service but to a few, for it was not many concerned in Bothwell who ever came in to the test, which was still now required at compearance.. However, it was a little calm to others for the time. At the same sederunt, the council came into that which was extremely burdensome to many parishes in the west and south, and brought the most part of presbyterians to very great hardships, and that was, the granting a council power to some officers of the army, and gentlemen of desperate fortunes and ill morals, to examine and fine for church irregularities, as they were called, and add a justiciary power to some of them. It will be proper here to insert the council's act, which was the foundation of the granting of all those gravaminous commissions, and it follows.

AT EDINBURGH, AUGUST 3d, 1682.

Tenor of an act, whereupon commissions are granted to major White and the laird of Meldrum.

"The lords of his majesty's privy council, considering, that albeit by the laws and acts of parliament, the sheriffs, stewarts, and magistrates of royalty and regality, are authorized and empowered to call before them, pursue, and punish persons in their respective bounds and jurisdictions, guilty, or suspect to be guilty of withdrawing from public ordinances in their parish churches, of keeping conventicles, of disorderly baptisms and marriages, and for uplifting and exacting the fines in the way and manner appointed by the acts made

thereanent, and are thereby obliged to return an account of their diligence yearly to the council, in the month of July, under the penalty of five hundred merks yearly, in case of fail; yet, by reason of the said magistrates their remissness in the discharge of their duty, the said disorders have of late much increased. And further, the persons guilty of being in the late rebellion, and of murdering some of the king's soldiers, are suffered to live in quiet and to possess their own lands, rents, and moveables, and are harboured, reset, and encouraged by several persons in the country, without being noticed, far less pursued, apprehended, and brought to justice, by the said magistrates, as in duty they ought to have done, which hath occasioned the sending of several parties of his majesty's forces into those parts. And his majesty's privy council taking notice of the diligence, care, and activity of some of the officers intrusted with the command of these forces, especially of major White and the laird of Meldrum, and considering how necessary it is, that when the ordinary magistrates do not their duty fully, that fit persons should be nominate for the king's service. Do therefore ordain a commission to be directed in his majesty's name, under the signet of the privy council, to major White, for the sheriffdom of Ayr, the bailiaries of Cunningham, Carrick, and Kyle-stewart, and haill burghs of royalty, regality, bailiaries, and baronies within the same; and to Adam Urquhart of Meldrum, for the shires of Haddington, Selkirk, Berwick, and Peebles, and the haill burghs of royalty, regality, bailiaries, and baronies within the said shires. Giving and granting them, as commissioners named and appointed by his majesty's privy council, full power to meet, concur, and join with the sheriff, bailie of regalities, bailiaries and baronies, and other magistrates foresaid, and to call before them at such times and places as they shall think convenient, all persons within their respective bounds, whether in burgh or land, heritors, tenants, or others, guilty or suspected to be guilty of withdrawing from ordinances in their own parishes, keeping conventicles, or disorderly baptisms or marriages, since his majesty's late act of indemnity, 1679, to pronounce sentence against them, 1682. and to put the same in due and legal execution. And for that effect to fence and hold courts, create clerks and other members of a court needful. Providing always, that the said commissioners and magistrates shall be holden to count for the fines of heritors according to the acts of parliament thereanent, and former instructions granted by the council conform thereunto. And in case the said commissioners shall find, that the said sheriffs or magistrates aforesaid, refuse to concur with them, or are remiss in their duty, with full power to the said commissioners to proceed by themselves, and pursue the delinquents foresaid, who have not been pursued by the said magistrates, and uplift their fines, or any other fines not yet uplifted by them. As also to pursue for, uplift, and exact the fines of the persons foresaid, for delinquencies and disorders, whereupon they have not been libelled by the foresaid magistrates. And further, the said lords do ordain the said commissioners to call for the magistrates of the respective burghs within the respective shires foresaid, and to inquire what diligence they have done against the persons guilty of the said disorders, since his majesty's late act of indemnity, and return an account thereof to the council, against their first meeting, or so soon thereafter as may be. Likeas, the said lords grant full power and commission to the persons foresaid, to inform themselves of any persons within the foresaid shires and burghs, who were in the rebellion, and dwell and live within the same, or others for them, who possess and enjoy the rents and moveables belonging to them, and inventar and sequestrate the same to be made forthcoming to his majesty's use; and to pursue, take, and apprehend the rebels themselves, to the effect justice may be done them. As likewise, to inform themselves of their resetters, and cause pursue and imprison them till they find sufficient caution to appear before the council or justices therefore. As also to pursue, take, and apprehend any persons that they have been informed have been guilty of murdering any of the king's soldiers, and to imprison

1682. them and present them to justice. And whereas, notwithstanding of his majesty's gracious act of indemnity, divers desperate rebels do yet stand out, and have not submitted themselves to his majesty's mercy, the council being resolved to have justice done upon them, upon the place, for their punishment, and to the terror and example of all such incorrigible traitors, they ordain a commission of justiciary to be direct to the said major White, and Adam Urquhart of Meldrum, within the respective bounds foresaid, as justices in that part, giving and granting to them, in the said respective bounds, full power and commission to meet at such times and places as they shall find expedient, and then and there to affix and hold courts, create clerks, sergeants, dempsters, and all other members of court needful, and to call before them any of the late rebels that are or shall be apprehended by virtue of this commission, not being heritors, and to put them to the trial and knowledge of an assize; and, according as they shall be found innocent or guilty, that they cause justice to be done upon them, according to the laws and acts of parliament of this realm; and, for that effect, that they cite assizes and witnesses, of persons best understanding the verity of the said matter, absents to be amerciate, and unlaws and amerciaments to be uplifted and executed, and generally all and sundry things necessary and requisite, anent the execution of this commission, to do, use, and exerce, *promitten.* to hold firm and stable. And ordain the sheriffs, stewarts, and other magistrates in the bounds foresaid, to concur with the foresaid commissioners, in the execution of their sentences against the said delinquents; and this commission to continue until the council think fit to recall the same. And these, signed by the chancellor *in præsentia*, shall be warrant for granting the said commissions under the signet.

"G. GORDON, Cancel. I.P.D."

Many remarks might be made upon this act, according to which commissions were given by a lawyer who knows the limited power of the council, and the just rights of sheriffs, regalities, and burghs, which I cannot so much as offer at. It is only a few natural observations, which result from the looking over this act, I shall point at. By it the council take upon them, materially to vacate and make null the executive powers lodged by the parliament in the hands of inferior magistrates, and fix them in creatures of their own making. True it is, that in the first room, these commissioners are ordered to act in conjunction with them; but then, this is entirely at their own choice; for they are made judges, whether inferior magistrates have been formerly remiss; yea, the council, in the very act, have determined that in their favours, and so, generally speaking, they acted still by themselves; yea, we shall find, that in competitions betwixt them, the council over-rule in favour of these commissioners, and there were frequently competitions, and the poor country was put to double attendance, and sometimes twice punished for the same alleged crime. It is asserted, indeed, that ordinary magistrates had been neglective in executing the laws, of which we have hitherto had little proof; and the multitudes of fines exacted, which, in some places, are yet *standing* in the sheriff-books, are good evidences against this, together with the sudden enriching of sheriffs and their deputes, upon the spoils of the oppressed country; though indeed a sensible moth hath been seen to be in such ill got estates. But granting matters had been thus, the law was open, the parliament had provided a penalty upon negligent magistrates, and another way was plain, than this direct cassing their office. And it is evident these commissioners were not only established as checks upon the legal magistrates, and ordered to take an account of their diligence, but were directly put in their room. As this step, for what I can see, was every way singular, yea, eversive both of the private rights of persons and families, as well as the constitution of the kingdom, so the granting the commissioners a justiciary power, was equally unprecedented and unjust, yea, of more hazardous consequences, by so far as a man's life is more valuable than his goods and means.

The question here is, not only whether these officers of the army were persons so well versed in criminal matters, as to be able to judge in matters of life and death, which require the gravest court in a nation, but likewise, whether one man, with any conscience, if this may be spoken of in such a period as this, could undertake such a power, as to judge rebels through four shires, in burgh or landward. Yea, the very council themselves seem to be sensible of this, when, next year, they appoint circuits for this end.

After all this, it is almost needless to observe, that they have all the fines they exact from such as are below the rank of heritors; and though they were to account for heritors' fines, yet we may suppose their accounts with the treasury would not be over strict; and what a stretch was it, to subject all heritors, some of the greatest in the kingdom, in the bounds of their commission, to those mean and profligate men? to say nothing of their being set over the magistrates of royal burghs, and these being made responsible to them. Notwithstanding of all this unaccountableness of this new office, the thing took, and the country was fearfully oppressed by them. In the registers, I find divers forms of commissions granted to different persons. The treasury granted those for the uplifting of fines, and the council ratify these, and sometimes grant power to inquire into the estates of the rebels, sometimes to try with relation to reset and converse, and to some they add a justiciary power. It was almost the same thing what their commission was, for they equally spunged and harassed the country, upon the pretext of some irregularity or other, and filled their own pockets. After the general act, which comprehends all, it would be needless to insert all the commissions granted, and therefore I shall only take notice of one or two of them this year, and some more of a different nature will fall in afterwards

November 8th this year, a commission is granted to Crawford of Ardmillan, for Carrick. He was a most virulent persecutor of the suffering party, and it had been declared against him last year upon oath, that he had suborned witnesses to swear against the lord Bargeny, and the duke of Hamilton, and threatened them with present death if they would not swear, as appears by Cunningham of Montgrenan's deposition before the council, August, 1681, which hath been more than once printed; yet such a man is now pitched on to execute the laws. At the same *sederunt*, a commission is granted to Adam Urquhart of Meldrum, in terms of the act, August 3d, above insert. It relates to the parishes of Stow, Herriot, Borthwick, Pennycuik, Glencorse, Creighton, Falla, Temple, Nicolson, Carrington, East and West Calders, with the bounds granted to him before. November 16th, they grant a commission to the earl of Linlithgow, for the shire of Linlithgow, which needs not be repeated; and, November 23d, they grant a commission to John Skene of Hallyards. And, December 20th, the council grant a commission, in terms of the act of August 3d, to Kenneth Mackenzie of Suddie, for the shires of Ross and Cromarty, where there were, it seems, irregularities; and the effects of the ministerial labours of Messrs Hogg, Macgilligen, and other presbyterian ministers, continued till the Revolution. 1682.

Thus we have seen a broad foundation laid for a heavy persecution in all corners of the country, and even in the northern shires, where presbyterians were comparatively very few. In the next section, I shall give some hints, of the prosecution of these powers granted to so many.

SECTION III.

Containing some general account of the persecution up and down the country, this year.

We have just now seen foundations laid for a very severe and general persecution, this year; but it is needful, that this matter may stand in its full light, to take a view of what followed upon these large commissions in the west, south, and other places; and I shall leave the particular hardships I have larger accounts of, to the next section. I have already noticed, that this new and general persecution owes very much of it's rise to the prelates, and bishop Paterson's journey to London; and therefore, to-

1682. wards the end of May, their schemes for further persecution came to take some air. The views of them that presbyterians had, will appear from an original letter of the reverend Mr John Carstairs, to Mr Robert Wylie then in France, of the date May 30th. The passage relative to this is, "Things here have still a most formidable aspect, and I hear, that quickly the gentlemen of our western shires, will be put to bind for themselves and these under them, that they live peaceably and orderly; which, if refused, will draw the forces on them, wherewith they have been so sore squeezed already. Not going to church, baptizing, marrying with any other than the regular incumbents, are almost every where severely mulcted and punished; neither is there any probable appearance of an outgate; 'the Lord knoweth how to deliver the godly out of temptation.' Many ways are obvious to him, when none appear to us; he can save by prerogative, when salvation cannot be expected by common rule."

A good number of the heritors concerned in Bothwell were forfeited, or had compounded. The common prisoners were either transported, or otherways disposed of; but then multitudes had not fallen into their hands, some of whom were declared fugitives, but many were either not got notice of, or overlooked, and had been now openly about their business, and at kirk, market, fairs, and some of them in posts under the government, so that the most cautious were perfectly secure as to their converse with them. Yet this year the matter of reset, of converse with such, yea, with such as were habit and repute to have been in the rebellion, was screwed so high, as involved the whole country, and every body was at the mercy of the soldiers and managers. Though no legal sentence had been pronounced against a person for being at Bothwell, yet if two witnesses deponed he was repute to be there, and that you had conversed with him, this was reputed treason, as in the case of Blackwood, and many others. And the utmost severity was resolved on in this matter; and the vast number of commissions given out, were partly in order to the executing of this. The lamentable fruits of this multitude of commissions will appear not only in this but the following years; and I know commissions were granted to several others who are not mentioned in the council registers, if I have not overlooked them, as to the laird of Lagg and others. It is only some general hints of the persecution this year, most of it by virtue of these commissions, I am to insert here. And, it may be, some of them may belong to some of the following years, since they want particular dates sometimes.

I shall only observe further, that the soldiers were sent to those places of the country where these commissioners were to act, and many of the commissioners were in some office in the army. The pretence of this was, as the commissioners represented to the council, that many withdraw their goods to elude the sentences for not keeping their parish kirks, &c., and the council allow them to send for some soldiers after citation or sentence, to see that none of their goods be withdrawn, and that they be inventared, and that the soldiers pay for their quarters. And September 2d, they order a party of soldiers to go to Kirkcudbright, to secure the lord Livingstone in possession of the estates of the rebels there gifted to him. And by other papers I find Claverhouse's troop came in and kept garrison at the Kenmuir, September this year, and ilk horse had allowed him three pecks of corn, and eight stone of straw or hay weekly. And at the same time another troop was settled at Kircudbright, and had allowed for each horse, two pecks of corn, and seven stones of straw or hay weekly. And when I am upon this head, the reader will have some view of the work of the soldiers of Kirkcudbright, at this time, from an original order just now before me, to a sergeant and fifteen of them, which deserves a room here; and, from it, we may guess of their practice in other places. The order follows. "Sergeant Persie, in obedience to my lord Livingstone's commands to me, you are hereby ordered to go with your fifteen dragoons, presently under your command, and quarter them proportionally, as you think convenient, upon the pretended heritors of Marcartney, and tenants thereof, the pretended heritors and

possessors of the lands of Bar, (and glaisters pertaining thereunto,) ay and while they come into Kirkcudbright to me, and take tacks of the haill forementioned lands from me, in name of George lord Livingstone, donatar of the same; and not only find caution for the yearly rent thereof in time coming, but also make payment of all bygones, preceding the term of Whitsunday last, from Bothwell. You are to exact free quarter during your abode, and, if need be, to take what you stand in need of for your provision, from them, without prejudice to any other. You are also to dispossess and remove the lady Holm younger, forth of the lands of Marcartney, and to cause some of your party to possess the same till further orders. And you are not to remove from any of your quarters, till such time as you receive my order of new for that effect. Subscribed, for warrant, at Kirkcudbright, the 23d day of October, 1682.

"Tho. Lidderdale."

It is time now to give some general view of the oppression of the country this year, in prosecution of the former laws, and these commissions and powers. The efforts of the persecutors were unwearable, in their harassing of all nonconformists to prelacy, by their soldiers, searchings, courts, and many other ways; and we shall have occasion to observe the inferior clergy pretty open, and most willing agents in these cruelties. The attacks were now made almost universally upon all presbyterians and nonconformists to prelacy; and the most part now brought to trouble, had no active share in Bothwell or Ayrs-moss, and could not be reached for field conventicles. Particular instances would be endless. I shall then put together some few things in each part of the country where the persecution raged, as a *vidimus* of the lamentable state of the country at present. There was no register kept of the courts held by them, nor was it their interest it should be so; and any accounts I give, are the more short and indistinct.

To begin with the south this year, David Graham held courts both in Galloway and Nithsdale, whether under Claverhouse, or by a particular warrant, I know not. I shall notice a few instances which are before me, without any other date than the year. In the parish of Twinam, he had all his informations from the curate. He imprisoned several country women with sucking children on their breasts, because they would not give bond to keep the church, and hear their persecuting incumbent. In the parish of Tunnergarth, in Nithsdale I suppose, courts were held, at which husbands, under such and such penalties, were made to oblige themselves either to bring their wives to the church, or engage not to harbour or reset them; and some in the parish, who scrupled at hearing the incumbents, were forced, by their husbands, to wander up and down; and others, by force, were carried to hear the curate: and when he came into the pulpit, some of them would speak and cry out against him, as the fountain of all their trouble. In the same place, there was a poor old woman, really pious, as my information bears, lame of both of her arms, and having but little sight to guide her any where from her own house, for mere nonconformity was cast out of her cottage by the soldiers, and her house razed to the ground. Upon this she was obliged to hide herself in a neighbour house. The curate getting notice of it, came himself with a party of soldiers to the house, and, having found her out, said, "Jean, you shall crook no more in Moss-side," and sent her away with the soldiers that she might be turned out of the parish; and added, "she was a scabbed hog, and would infect all the flock." However, her brother, by a little money, prevailed with the soldiers, and got her back, and harboured her a few days till she got to a better world. The same incumbent hearing of several religious people in Tunnergarth, who used to meet together for prayer, fell upon such methods as to hinder their meeting in any house of the parish; and plainly threatened any house he suspected they could gather in, with staging them for a conventicle. The honest people betook themselves to a retired place in the fields, and used to meet there for that exercise. As soon as this came to the incumbent's knowledge, he went to them himself, and scattered them, threatening to delate them; 1682.

1682. and, which was worse, having noticed the persons carefully, he sent for a company of soldiers, and directed them to their houses, which they pillaged and rifled, for no other cause than what is above.

No small share had the episcopal ministers in this hot persecution in this country, at this time. In the parish of Lochmaben, I find Mr George Graham incumbent there, a violent pusher of severities against nonconformists. He used to give in delations against them, and was really the cause of all their hardships; though the papers before me say, it is notoriously known, that he screened some things of a deeper dye. Some of his elders, such as they were, used habitually to profane the Sabbath; some good people of the parish threatened them with a delation, and were resolved upon it, had they not been hindered. Some of the profane persons against whom they resolved to complain, way-laid them, and endeavoured to murder them; and it was notour, Mr Graham did all in his power to palliate them as to both; and he was generally observed to overlook the fornicators in his parish. Near by, in the parish of St Mungo in Annandale, an old man was fined by cornet Graham for bare nonconformity, and forced to leave his house and wander; and he, with too many in the same circumstances, were really put very hard to it. The country were so bound up, by the fear of soldiers, and not a few by direct oaths, that they could have no reset, and were in the greatest difficulties for want of subsistence. The old man sometimes haunted about his own house, mostly to get a little to satisfy his hunger; whereupon his master was fined in five hundred merks at some of these courts, and allowed regress. And further, he was empowered, upon notice of his coming on his ground, to employ the soldiers to catch him, and if he was caught, he was to be discharged his fine, and if he was missed he was to pay it. In that same parish of St Mungo, there was a boy, not above sixteen years of age, cited to one of the courts held this year or the next, for not keeping the church, and his age made him free of any other thing. When he did not compear, cornet Graham sent a party of soldiers to quarter upon his father, who was regular enough. Meanwhile, the father was cited to the court next meeting, where the cornet required a bond of him, never to reset, converse with, countenance, or any way supply his own son. The incumbent of the parish sitting in court, said, "that it was fit and reasonable the father should suffer for his son, who was but a child, and his parents ought to have made him regular by a bridle, the poor youth, however, was forced to wander up and down in cold and storms, without any shelter, till he fell into a most violent fever, and had nobody to look after him. Innumerable are the instances of this nature, that might be gathered from the different parishes in that country. Parents who were entirely regular, were bound under great penalties, not to speak to, or reset their children; and some of the coarser sort of them were brought, by frights from the soldiers, to use great severities on their children, to force them to go to church. Meanwhile, neither clergy nor soldiers troubled the papists in these bounds: they had popish priests continually among them, and mass publicly and regularly gone about; but, it seems, these were their good friends, and never disturbed.

Let us turn into Galloway, and we shall find matters much in the same posture. In February this year, there was a very honest country man in the parish of Balmaghie, suspect to have been at Bothwell, but no evidence found against him; however, the soldiers came to search the house for him, but he was got out of the way: his wife was but a few hours brought to bed of a child, and they most barbarously turned her out to the fields, and rifled the house. This same man was in April delated for nonconformity, and as suspect of being at Bothwell, by the curate. By a little money, he got his name scored out of the roll, which the curate noticing, challenged, and nothing would satisfy him till he got a party of soldiers sent to his house, who rifled it a second time.

In August this year, Claverhouse attacked multitudes of nonconformists, who were not so much as alleged to have been in any rising. In the parish of New Glenluce, he

seized John Archbald, Anthony M'Bryde, John Macleanochan, and John Wallace, merely for not hearing of the incumbents. They were brought to Stranraer, and lay in prison twelve weeks; and because they refused to oblige themselves to wait upon ordinances, and live regularly, as it was termed, they were not only kept in prison, but soldiers sent to their houses to quarter on their families, and eat up all their living: twelve horse were quartered upon one, seven upon another, and so proportionally, as their stock would bear. Anthony M'Bryde's seven soldiers, though they had plenty of victuals in his house, such as country places afford, they would have his wife go out on the sabbath day, and bring in two sheep and slay them: this she refused, whereupon one of them threatened to throw her into a large fire before them, and attempted to do it, but was prevented by the family. After these men had been a quarter of a year in prison, and their houses thus spoiled, Claverhouse ordered them to be tied two and two together, and set upon bare-backed horses, and carried into Edinburgh, there to be tried. When they had gone one day's journey, he sent his servant to them, with bonds to be signed by them, a thousand merks per piece, and promised them their liberty; the bonds ran just in common form, and therein they obliged themselves to pay the sum upon demand. This was yielded to, and they got home; and the most of them paid the money, yet this did not prevent many new hardships during the following years. This is another instance of oppression of people in their civil rights, under pretext of religion. Another instance of cruelty, at this time I meet with in the parish of Anworth. A troop of dragoons came into that parish, and a gentleman there had seven of them for his share. They wanted for nothing in that house but ale, and, instead of that, had milk in abundance. One of the soldiers came to the gentleman, and ordered him to provide them in ale; the other answered him calmly, "There was none about them to be had; and till the waters, at present very much up, were fallen, none could be had." The soldier said, "he would have ale, if he should go to hell and seek it." The gentleman said innocently to him, "If once you were there, you will not come back to tell news." Whereupon the soldier fell a threshing him with a thorn staff; immediately the gentleman closed in, and wrestled with him in his own defence, till the rest of the soldiers parted them. The soldier in a little time went off, and resolving to be avenged, came to his commanding officer with a multitude of lies, and got another party, by his direction, who took the gentleman, as he was on his way coming to inform the officer, and carried him away prisoner. The cause was not heard for sometime; meanwhile both the parties quartered upon the house, eat up all about it, perfectly destroyed the meadows, and took away all the gentleman's horses. When the officer came to examine the matter, he found the soldier had misrepresented the thing to him, and dismissed the gentleman, but would not punish the soldier, nor restore what was taken away by his men, far less satisfy for damage done. 1682.

This same year, James Harris of Ardmenoch, and John his son, men of known integrity and usefulness in their stations, were, for mere refusing to hear the incumbents, after many ravages committed upon their houses and lands, carried prisoners to Dumfries by captain Strachan, and kept there till they paid fifteen pounds ten shillings sterling, fine, besides thirty shillings to the jailors. The old man had paid forty pounds Scots to Sir James Turner, besides several other smaller sums at different times.

I come now to the shire of Ayr, and there Ardmillan, but especially major White, oppressed the country most grievously. John Boyd schoolmaster in Cowend, formerly an indweller in the shire of Ayr, was this year, at the instance of Ardmillan, merely for not hearing the curates, sorely harassed. His house was three times robbed of all the furniture in it, by the soldiers. He was forced to pay forty pounds Scots to Ardmillan, and after that carried in prisoner to Edinburgh, where he lay three months in close prison, and before he was liberate paid upwards of an hundred pounds Scots, whereby he was reduced to great wants. Major White did in a par-

1682. ticular manner exerce his commission this year, in the shire of Ayr. He went through almost every parish in particular, fining nonconformists, and imprisoning not a few. I find him, together with Mr John Cockburn, and William Crichton sheriff-depute, holding a court at Kilmarnock. Much of the country round was summoned, and the curates were the principal delaters; and at this place he pressed the following bond. "We undersubscribers respectively bind and oblige us, our wives and children, and servants, that we shall in all time coming keep our parish-church, and shall not be present at house or field conventicles, nor receive baptism to any of our children from any minister but our own parish minister, and in case of his absence, from the next conformist minister; and shall not harbour, reset, or entertain any intercommuned persons or vagrant preachers: and all this under the pain and penalty of an hundred merks, to be paid by me to ——— for each failie in the same." When the country people appeared before this court, they were first sworn to declare the verity, and nothing less or more, of every thing which should be inquired of them. Then they were inquired upon oath, if they were guilty of hearing sermon at house or field conventicles, since the indemnity 1679. Further, they were asked if they had kept their parish-kirk during that time, at least once in three sabbaths, with many other questions. If they declared upon their oath, that they had been regular, they were dismissed upon their signing the bond; but it was few who were summoned could do so.* Such as either would not swear, or who confessed any thing, were fined by the major in exorbitant sums, some in sums far above what they were really worth. After the sentence, the major had his own ways of signifying, that if they gave the clerk so much, six dollars was the ordinary *quota*, and the poorer sort less, for an allowance to take the abovementioned bond, they should have no more trouble: but all who took not this bond, or at least who paid not the said sums, which were heightened in case the bond was not complied with, were immediately sent to prison; and such multitudes were imprisoned, that they were in hazard of stifling. Vast quantities of money were this way extorted from the poor country, and that almost in every parish. I have seen very large accounts of the sums in some parishes of the shire of Ayr.

In the small parish of Dalmellington, at one of major White's courts this year, the following persons were fined in the after sums, for being present at one sermon preached by Mr George Barclay, at the chapel in Straiton parish. Roger Dunn in M'Colmston, actually paid an hundred merks, besides thirty pounds to Drumsuy, to bring his fine so low. John Edgar in Daharro paid fifty merks. Robert Dunn in Lassin-hill paid an hundred merks, and thirty pounds to Drumsuy, to bring it so low. Peter M'Whitter in Waterside paid an hundred merks, and some time after this an hundred pounds for his wife's not keeping the church. David M'Gill in Drumgrange paid fifty merks. John Wright in Barclaystoun paid fifty merks. James Dunn in Bluewhat paid an hundred merks. Ronald Rob paid twenty-five merks, and was imprisoned four days. John Cunningham in Keirhill compeared not, and his family was obliged to disperse, and all left in his house was plundered. Anthony Bizzard in Dynasken, was fined in an hundred pounds.

* Bishop Burnet takes notice of this circumstance, and remarks upon it. "When the people saw this they came all to church again, and that in places where sermon had been discontinued for many years, but in so awkward a manner, that it was visible they did not mean to worship God, but only to stay some time within the church walls. Yet most of the clergy seemed to be transported with this change, and sent up many panegyrics of the glorious services the duke had done their church. The enemies of religion observed the ill-nature of the one side, and the cowardliness of the other, and censured both. Hence an impious and atheistical leaven began to corrupt many of the younger soil, which has made a great progress in that kingdom which before was the freest from it of any nation in christendom."—Vol. I. p. 293.

This strikingly illustrates the tendency of such enactments to produce either a steady and conscientious resistance on the one hand, or a base hypocrisy on the other. The effects in both cases are much to be deprecated; but who is there that would not prefer a manly resistance to a mean and time-serving compliance?—*Ed.*

John Bizzard in Laight paid twenty-five merks, and was imprisoned four days. From such multitudes in so small a parish for one sermon out of the parish, of which I have an attested account, the reader will guess what was uplifted in other places.

This same year, the earl of Dumfries charged all persons in the parishes of Auchinleck and Cumnock, to appear before him, and fined all who had baptized children with any other than the incumbent, in fifty pounds each, poinding and driving their cattle and goods till they paid it. My information bears, that one Andrew Pathen, in the parish of Auchinleck, was forced to pay his fifty pounds, because he kept his child unbaptized six weeks, though afterward he carried it to the incumbent. Another in the same parish, Henry Stopton, was fined in sixty pounds, because he refused to tell who baptized his child. Such who did not compear before these iniquitous courts, were in absence most rigorously and severely fined. Thus David Moody, in the same parish, for not appearing before major White's court, was fined in an hundred and eighty merks, and was forced to displenish his house, and wander up and down, where for many weeks he lay in the open fields. But these oppressions and arbitrary finings are in such multitudes in this and the following years, that I can name but a very few of them. It may be, I shall essay in some place or other in this history to give a general estimate of them.

I come eastward to the shire of Lanark. In the town of Rutherglen, the provost was very severe in his finings, as I find by an attested account. He sent his officers to a widow woman's house there, to seize her only son, who did not hear the curate. The youth did not incline to appear, and with a struggle got out of the officer's hands; whereupon the provost, with his officers, came and seized his sister, alleging she was accessory to her brother's escape, and fined her in thirty pounds. The old woman meanwhile, through sorrow, fear, and concern, sickened, and had no body to look after her, and yet so cruel was the provost, that he would not allow her daughter to come out on bail, and minister to her in her seemingly dying case. 1682. Instead of this, in a few days, December 27th, 1682, after ten at night, he came with his officers, and assaulted the house with sword in hand. The poor woman calmly opened unto him, and seeing his sword drawn, said, dear provost, sober yourself, what are you seeking? He answered with oaths, he was seeking her son, who, he was sure, was in the house praying. He searched the house, and found him not, but left not the poor woman till she paid him twenty merks. The people in that place could not but observe, that his wife in a few days died in child-birth, and three children in a very little time died of the king's evil, and a fourth not long after, and himself fell under the scandal of adultery, and died childless. A great deal of this severity was owing to the incumbent of this place. Upon every turn I have occasion to observe, that the clergy not only instigate to this rigorous procedure against such who could not in conscience submit to them, but were the prime informers against poor people. In their visiting of families they were very careful to examine, and generally took a note of such who did not keep the church. Without breach of charity, I may say, this was one of the main views some of them had in visiting; and at most of their courts the rolls of delinquents were formed out of the incumbent's roll. I have a well-vouched account of that profligate man Mr Hugh Blair, incumbent at Rutherglen, to this purpose. This year he was visiting in that town, and challenged a woman very hard upon her not keeping the church. She began to give her reasons, and among other things spoke of the obligation of the covenants: this put the poor man into a terrible rage, and among other opprobrious and abominable discourse, he called her very openly a covenanted whore. The woman had not so learned religion as to render railing for railing, though she had good enough ground to have told him, he was at that time lying in whoredom with one of his own servants, as within a while came publicly to be known.

In the parish of Kilbride, in the same shire, captain Inglis harassed many families,

1682. under pretext of searching for wanderers, and such who had been at Bothwell, especially John Nisbet, who had been at Drumclog and Bothwell. He seized three country men, Andrew Mack, John Carnduff, and Thomas Miller. Those men either would not, or could not give him the information he was desirous of, and therefore he put them to their oath, *super inquirendis*, but they peremptorily refused to give it; whereupon he caused blind them, and put fiery matches betwixt their fingers, which put them to terrible torment, and perfectly maimed their hands. One of them, in the extremity of his torment, confessed somewhat or other he knew, which, afterward upon his reflection, well nigh distracted him. This power of torture lodged in every commander of a party of soldiers, I am of opinion can scarce be paralleled in any other christian or civilized nation. The same captain came a little after this to a widow woman's house in the same parish, with a design to apprehend her son. He was happily from home that day. The captain missing him, and being told he was really from home, called all the neighbours together, and obliged them with the family itself to swear in this form, "By the eternal God, and as I am content to lose my part in heaven, I know not where John Mack is." One of them refusing to swear this irreligious oath, the captain with his soldiers beat him with guns and staves, till they left him for dead. This power to every soldier to impose horrid and unaccountable oaths upon the lieges, is another peculiarity of these times, which I leave to their advocates to vindicate.

Much about the same time, the laird of Hallyards, with a party of soldiers, made terrible havoc in the parish of East-Monkland, and neighbouring places in the same shire. He and his party came upon seventeen or eighteen families in that parish, and seized upon their whole crops and substance, for no other reason but mere nonconformity, and proven only by the verbal information of the incumbent. He would allow them the use of nothing which was their own, until they paid a fine as large as e pleased, besides fourteen pence for each day he and his men had been eating their meat, and his horses their straw and corn. Some paid an hundred pounds Scots, some an hundred merks, some fifty, together with the former daily quota for riding-money; and the consumption and destruction made upon their houses, came very near to as much as their fine. They used to seethe corn for their horses, much more than they could consume, and then would abuse and cast out the rest; they were sure to spoil every thing they did not destroy, and such who would not compound with them, and pay their fine, had every thing that was theirs destroyed. And to give the whole of this barbarity on this parish together, next summer Meldrum came after Hallyards upon the very same families, and drove their cattle and goods, and took four of the men prisoners, and forced them to pay an hundred merks apiece, and the rest were obliged to compound. Eastfield, a feuar there, would enter into no agreement with them, and they robbed him of goods and victual, moderately speaking, to the value of a thousand six hundred merks. And to complete their ruin, in winter that same year, Archibald Inglis, a commander under Hallyards, came upon them, and seized upon their crop for their continuing in nonconformity. He alleged that the persons who had bought their crop last year, had suffered them to possess it and their goods; and their ground was sown with corn bought from the soldiers, and the increase was theirs, and they had a title to seize it, unless they could produce testimonials, that they, their wives and children, had kept the church. Presbyterians have been most groundlessly and foolishly charged with asserting, that dominion and property are founded upon grace; but according to this reasoning, dominion and property are indeed founded on conformity to prelacy. The poor people were forced to compound a second or third time, for what was their own, and such as did not, were cast out of house and holding. And if any of their compassionate neighbours offered to save any thing that belonged to them, or harboured them, the soldiers dealt the same way with them.

One piece of barbarity at this time I cannot omit. The same Inglis came with a party to the western Arnbuckles, in the same parish; the man they were searching for was fled, or was not at home. The soldiers alleged that some part of that year's crop was disposed of, and forced the women of the house to swear if it was so, when they saw the goodman, or if they knew where he was. After this they found a boy of about fifteen years or under, and would have him to swear as above, and upon oath declare where his master was. The youth refusing, they struck him with swords till he was all running down in blood; in this pickle they dragged him by the hair of the head to the fire, and after they had wrung about his nose till it was gushing out in blood, they held his face to the fire till his eyes were like to leap out of his head. The poor women not able to help him, prayed him with tears to tell any thing he could, before he were burned to death. When in this torment, they held drawn swords to his breast, cursing and swearing they would immediately send him to eternity; and then struck and beat him upon the head, till he fell down dead among their hands, as they thought, and so left him as such, and the house. However, he recovered, but was distracted for some time, after this barbarous usage.

This was the treatment of the west country this year, and all this is but some few gleanings of what might be gathered, but those instances may help the reader to form some notion of the iniquity of this time. I shall only add a passage or two from the east and north of Scotland, for the same spirit was raging every where, though the great scene of the persecution was in the west and south.

I have an attested account of a sermon this year, at Eyoncraig, in the parish of Pennycook, or near by, which brought no small trouble to the people about. Some officious person or other went and informed the master of the ground, Sir Alexander Gibson, who presently got a party of soldiers, and came to the place; but the sermon was over, and the people dismissed before they came. Two prisoners were taken into Edinburgh, and severely fined. Some days after, the sheriff came and held courts upon the place, and called in all the inhabitants about, men and women, and obliged them to swear whether they had been at that sermon. Some through fear swore falsely, and afterward fell under terror, and died miserably. Many were fined, some in fifty, some in an hundred pounds, and several fled and quitted their houses and lands. 1682.

To step over to Fife, I find in July this year, the abovementioned John Archer, then living in Stramiglo, with several others in that town, fined in three hundred pounds Scots each, for mere nonconformity. This sum they were not able to pay, and so had soldiers quartered upon them. Twenty dragoons were ordered to lie in their houses, while they and most of their family were forced to flee and leave the house to the new guests. The dragoons took them up, and did as they pleased in them, till the feuars of that little town gave bond to the superior, and he to that sheriff or his depute, that they should never after be reset or harboured in that place, under the pain of the haill foresaid fines. Besides this, before they could get rid of these unhappy neighbours, the riding-money, as above, of the dragoons was laid upon the feuars, although they had plundered the houses, and taken away every thing that was left, by which their charges were much more than paid. By this severity the said John Archer, his wife, and family of five small children, were forced to hide and wander from July to November this year. In November, two of Mr Archer's children fell sick of a dangerous fever, and when lying in a house they were discovered, and the poor people who took a care of them were threatened, and in hazard to be brought to trouble for this act of humanity to two infants in distress. Yea, so far was the malice and barbarity carried, that the poor innocent babes behoved to be removed, to the great hazard of their lives; and after many had refused to lodge them for money, their father got a retired house for them in the Path-head of Kirkaldy, where the other three sickened, and there this pious man fell under new persecution in February next year, as I shall notice.

1682. About this time, not a few in the town of Innerkeithing were brought to no small trouble. I have an attested account of some severities used against Andrew Adamson, chirurgeon there, who was chargeable with nothing but nonconformity. Before Bothwell, several parties came to apprehend him at his house; he still escaped, but every time his house and family escaped not damage. This year Alexander Malcolm, sheriff-depute of Fife, put in by the earl of Balcarras, when the sheriffship was lodged in his hands, upon my lady Rothes and the earl of Haddington their refusing the test, rigorously pressed conformity; and there was no escaping sore oppression without taking the test. Mr Adamson was forced to hide for some months, at length returning privately to his own family, he was imprisoned by the magistrates for not hearing the incumbent; but after paying a considerable fine, he was let out. Within a little the sheriff-depute attacked him, and sent ten dragoons to apprehend him, but he getting notice, left the place with his whole family, and lived as hiddenly as he could in Edinburgh, till the revolution. Meanwhile the dragoons came to his house, and finding him gone, went to the house of James Fergusson, and quartered upon him twenty days, together with their horses. Under the prospect of this, Mr Adamson had caused his victual that harvest to be stacked with the victual of others in the place, who could not be reached by law. Mr Alexander Irvine, the episcopal incumbent there, who was indeed the author of all the severities honest people in Innerkeithing met with at this time, had got notice of this by his spies and informers whom he entertained and paid, and came himself with the dragoons to the stack-yard, and caused all the stacks be cast, and as much as came to Mr Adamson's share, was taken out and put into a large barn, where they put the dragoon's horses loose, till the whole of it was rendered useless. And the magistrates of the town uplifted the rents of several houses and lands in that place belonging to Mr Adamson, till near the revolution. Yea, such was the virulence of Mr Irvine, that after Mr Adamson's family was removed, he went to the magistrates and threatened them with a council process, and more than once formerly he had got them summoned before the council, because they would not go into every severe prosecution he proposed, if they did not make a proclamation through their town, discharging Mr Adamson, or any in his family, to be seen in the streets, and ordering them to be apprehended, under the highest pains; which, for peace sake, they did. And yet Mr Adamson was not only useful in his business in that place, but universally known for his moderation and harmless carriage, and lived in very much friendship with Dr Scott, while episcopal minister there, though he differed as much in his principles from him, as from Mrs Lawder and Irvine his violent successors. I have given this account more largely, being vouched by Mr Adamson's son, a reverend minister of this church. By Mr Irvine's influence, many other worthy persons in the same town were brought to no small trouble for their not hearing. Thomas Thomson elder, a master of a ship, Thomas Thomson younger his son, William Brown Baxter, Robert Stuart master of a ship, who was a long time prisoner in the tolbooth of Edinburgh, with Mr Forrest of Three-acres, near Stirling. Those, with several others, for mere nonconformity, were obliged to remove with their families, and sustained great loss.

I shall end this general account of the severities of this year, with an instance or two from the north, where there were not many to persecute. This year the reverend Mr Alexander Pitcairn, who by good providence had been minister at Dron, near Perth, for many years, was forced to leave his charge. He was indeed an eye-sore to the episcopal clergy in that country. After he had sitten many citations and summons to remove, the marquis of Athole, as we have seen, came and turned him out. I have no further accounts of this worthy and learned minister, who is known through the reformed churches by his writings. Only I find Holland was the place of his shelter, where he continued until the liberty, when he, with many worthy ministers, ventured home from their exile.

And after the happy revolution, Mr Pitcairn was made provost of the old college in St Andrews, by king William. Lawrence Gibson in the neighbouring parish of Arngask, who used to be a daily hearer of Mr Pitcairn while at Dron, was about the same time brought into the tolbooth of Perth. This man was married to a servant of that excellent family of Ruthven, who did what they could for his liberation, nothing being to be laid to his charge but hearing a presbyterian minister not turned out of his church. Several ladies went into Perth, and most earnestly besought his liberation; and when that was not allowed, they offered sufficient caution, and craved he might be bailed till he answered his indictment, but nothing could be heard; and those persons of honour had no weight in so reasonable a request. The poor man was sent into Edinburgh, and there, upon no other head than what is above, was sentenced to be a recruit to one of the Scots regiments, in the service of the states. The sentence was executed, and he went over, and continued in that service till his father-in-law, John Ruthven, advanced a considerable sum of money to captain, afterward major Henry Balfour of Dunbog, who procured his pass, and so he got home, and continued a servant in the family of Ruthven, till the revolution. This remarkable severity I have attested by a person of honour, nearly related to that noble family, who knew him and all the steps of this matter.

A few more instances offer, from an attested account, of some sufferings in Perth and Angus, before me. David Peter and James Proctor were attacked by the sheriff of Forfar, for not hearing the incumbent, and imprisoned, and all their goods seized without any process or trial, whereby they were brought to great hardships, and put from their residence. The same sheriff apprehended Thomas Clepan, in the parish of Kerrimuir, for mere nonconformity, and kept him in prison till he paid a considerable fine, though he was aged and infirm through the wounds he had received in his youth, in the king's service, at Inverkeithing; but nothing of this kind was now minded. Mrs Minniman, a presbyterian minister's widow was apprehended by the magistrates of Perth, for mere nonconformity, while her only son was dangerously sick; and the poor child took a violent crying for his mother, and continued so till he died, and this religious gentlewoman offered to bind herself under all she was worth in the world, to re-enter prison after a day or two's attendance on her dying son; yet such was the inhumanity of this period, that she could not be allowed once to see her child. In a little time after, this good woman died also of grief. 1682.

Those things may suffice to give a general view of the state of presbyterians' sufferings this year, and I have put them together, wanting the particular dates of them. I come now to give a narrative of some sufferings of particular ministers and gentlemen this year, of which I have more full and distinct accounts.

SECT. IV.

Of the sufferings of the reverend Mr Patrick Warner, Mr Henry Erskine, and some other presbyterian ministers and gentlemen, this year, 1682.

I HAVE of design deferred the more particular accounts of the worthy persons I am to mention in this section, to this place, both because the importance of the attested narratives of their sufferings deserves a room by themselves, and also that the former section is sufficiently swelled already, so I give them just in the order of time they happened. It needs scarce be remarked, that the government had nothing to charge them with, but their non-subjection to prelacy.

Upon the former year, I promised to give an account here, of the rest of the heavy sufferings of that good man James Gray of Chrystoun; and that the reader may have the thread of the story together, as likewise that my work afterwards, where particular instances will grow upon my hand, may be shortened, I shall give all his sufferings after this together, as also those of some of the rest I am to mention, tho' several branches of them were in the following years. I left Strachan's dragoons last year eating up all this gentleman's substance,

1682. till the end of December, when they went off. In January this year, Mr Gray ventured home to see his family; and, upon a Sabbath evening, a party of dragoons who by this time knew his house well, having got intelligence of him, came out of Glasgow, seized him, and brought him in prisoner to that place, without giving any reason, or showing any warrant. He was that night examined by the Lord Ross, and some other officers of the army there, and by them committed to prison, whence, after three or four weeks, he was carried into Edinburgh. There he lay a long time in prison, without being called for by any court or judge: his friends represented, that Mr Gray had formerly been purged in law, relaxed from the horn, and restored to the peace, and that now he was imprisoned without any libel or charge against him, and therefore begged he might be liberate; but all was in vain, unless he would engage to conform in all points with the present church-establishment, which he could not in conscience do. After about a year's imprisonment, he was brought before the council, who attacked him with their captious questions, in order to ensnare him. He declined answering at first, and complained of his seizure contrary to law, and wrongous imprisonment now upwards of a year; but they would not enter upon these heads, and, having him now in their clutches, began to press him to declare his thoughts and opinion anent the bishop of St Andrew's death, whether murder or not; the rising at Bothwell, whether rebellion or not; yea, king Charles I.'s death, whether murder or not; and many other questions of that nature. Unto several of their questions he answered, that he did not reckon himself obliged peremptorily to judge of the actions of others. As to king Charles I.'s death, after he had signified how much he was surprised at their going so far back, he told them, he was of the same mind with the then church and state of Scotland, who did highly resent it. In short, upon his owning it as his opinion, that the matter of the Covenant was lawful, and its obligation binding, and his declaring the principle of self-defence, upon just grounds, to be what he took to be natural to every man, and highly rational; and upon his refusing to assent or swear to their slavish position, "That it is unlawful for subjects, upon any pretext whatsomever, to take up arms against the king, or any commissionate by him, or to meet, treat, or consult about any thing, civil or ecclesiastical, without his warrant;" and his refusing to give any engagement to subject himself to the present church-establishment, he was sent back to prison, where he lay for more than two years. Now and then, when they were at leisure, they would call him before the council or its committees, and interrogate him upon the foresaid and other heads they proposed to him, with the same success. In the month of July or August, 1684, he was again sisted before the council, and had the test, and other things then pressed, tendered to him, which he refusing, the council passed a sentence of banishment upon him, and he was again returned unto prison. And, August 1685, after three years and a half's close imprisonment, he was, without the least previous notice given him, carried from the tolbooth of Edinburgh, and hurried aboard a ship, Captain Love master, and, with about 140 others, as we may afterwards notice, was transported to Jamaica. In their voyage, as Mr Gray gives account, they were most barbarously used, and had scarce so much food allowed them as was sufficient to keep them from starving, and what they had was very coarse. They were shut up in such a throng, under deck, as occasioned a sore fever among them; and, in their sickness, they had no refreshment allowed them. Many of them died merely for thirst; some of them offered a crown for one drink of water, whereof there was abundance in the ship, but it was still denied them. The hardships they suffered were truly inexpressible, and can hardly be believed to have been what human creatures would be capable of exercising one upon another. After a voyage of three months, they arrived at Jamaica, where they were sold. Mr Gray was now near sixty, and not very saleable, and had a cast by common. They who had the disposal of him would neither sell him with the rest, nor would they take the highest rates they got for the strongest in the company, and

would not part with him but for a vast sum, knowing he had an estate; and therefore he was for some time kept close prisoner in Jamaica. While in prison, he fell very sick, and was near unto death; and then, rather than lose all, they liberate him for fifteen pounds sterling. It pleased the Lord he recovered, and got home to his native country, where he was singularly useful in the parish of Calder, after the liberty and the revolution; and he died in the Lord in peace and full age, some years ago, leaving his estate to his worthy son, who, as he had some share in his father's sufferings, desires to adhere to the covenant of his father, and essays to follow his religious pattern. To him the reader is indebted for some very valuable hints in this history. I could add here several very remarkable providential deliveries and preservations Mr Gray and his family met with in their suffering; but this work is growing upon my hand far beyond my expectation.

Another gentleman's sufferings begin likewise this same month of January this year. We shall meet with him in the following Section, from the justiciary records, in company with many others; but having a signed account of some branches of the trouble he met with, I insert an abbreviate of it here. Thomas Ferguson of Finnarts, a very sensible knowing gentleman, in the parish of Ballantree, upon the borders of Galloway, was, with several others, forfeited, as we shall hear, and forced to flee for his life to the kingdom of Ireland, which was a shelter to many worthy sufferers upon that side, as Holland was to a great many in the eastern parts of Scotland. He was now aged sixty-one, and never had been in arms in opposition to the government, neither had he been actively accessory to the rising at Bothwell; his only crime was his not falling in with the courses of this period, and his having an estate. The only shadow of ground for this gentleman's persecution and forfeiture, was the deposition of two men, for any thing I know, suborned, that a little before Bothwell, a boy came out of a house in Ballantree, where Finnarts was, and warned all the neighbourhood who had a mind to join the party in arms about Glasgow, to repair to the said house, to receive money and arms. The story indeed does not tell, and, except in this instance, I have not met with any such methods used to gather people to the west country army: but more than this the prosecutors of his forfeiture had not against him, nor any proof of his concern in that boy's actings, or consent unto them; and I am assured no more was libelled against him than is above. This was found sufficient to forfeit his life and estate. Upon his forfeiture, captain William Seton, one of the guards, got a gift of his estate heritable and moveable; and when Finnarts was fled to Ireland, in May this year, the captain came south, and took possession of all; yea, such was the equity of this time, that Seton, after some pains, having got notice of Mr Ferguson's debitors, pursued them at law, and got paid him of sums owing to Finnarts, upwards of four thousand merks. For six years the captain possessed the estate, lifted the rents, and meanwhile, forced his wife and six children out of their own house. For some time they were obliged to lodge in the open field, in a glen near by, where they had a fire for readying their meat; at length, with great difficulty, the captain was prevailed with to suffer the gentlewoman to return to her own house, and to have a small bit of land, upon her paying twenty pounds more of rent, than ever had been before paid for them, when set in tack. 1682.

I come now to give some account of the sufferings of a venerable and worthy minister, yet alive, now, since his brother's death, last year, 1716, the eldest minister at present in the church of Scotland, which began in February 1682, the reverend Mr Patrick Warner, who, since the revolution, was minister of Irwin about twenty years, till, by age and infirmity, finding himself unequal for so great a charge, of late he hath demitted his pastoral relation to that people. His own modesty, and my near relation to him, will not permit me to say what I could, as to his personal and ministerial character, piety, learning, and usefulness; his character indeed is so savoury and well known in this church, that I need say nothing of it. There are but a very few of these old suffering ministers

1682. now alive, to give distinct accounts of their own heavy troubles, which is no small loss to me in writing this history; and therefore, having the advantage of a few hints of his from himself, I shall give the reader a fuller account of the severities he met with from the government and managers, and his carriage under them. And we may easily form a judgment from their procedure with him and some others formerly hinted at, of the methods now used with many other excellent and worthy presbyterian ministers, who were heavily prosecuted in this period, and some of them about this time forced to flee their native country; of whom it is matter of regret to me, that no particular accounts have come to my hands. Such as the very learned, singularly modest and excellent Mr George Campbell, professor of divinity in the college of Edinburgh since the revolution, that truly extraordinary person, Mr Thomas Hogg, minister at Kiltairn in the shire of Ross, Mr James Veitch minister at Mauchlin, Mr Alexander Pitcairn at Dron, Mr James Kirkton, since the revolution minister at Edinburgh, of whom some hints have been given, but very far short of what they suffered, Mr Alexander Hastie minister at Glasgow, Mr Robert Langlands minister first at the barony of Glasgow, and then at Elgin of Murray, a scholar of the first rate, and fully master of most part of the branches of polite learning, Mr William Archbald, Mr John Harroway, and Mr Patrick Cowpar, and others who may not have come to my knowledge, all of whom I think were refugees in Holland; with several others whose singular hardships forced them to take on a voluntary banishment; which was likewise the case of many noblemen and gentlemen, such as the earl of Lowdon, the lord Strathnaver, afterward earl of Sutherland, my lord Stair, the accounts of whom I am sorry I cannot transmit to posterity.

Mr Warner was licensed, some time after Pentland to preach the gospel, and very amply recommended by the presbyterian ministers in and about Edinburgh, when his trials were over, to their brethren the dissenting ministers at London, where after some stay, about the year 1669, he was pitched upon by them to be recommended to the east India company, who were then very willing to make use of presbyterian ministers in their settlements, and was ordained at London with this view. Accordingly after various providences, and his being taken at sea by the Dutch fleet when in an English ship, he got safe to the East Indies, and was for about three years minister of Fort St George upon the Coast of Coromandel. There he was very kindly dealt with, and much importuned to stay longer by the East India Company, but longing to be home, he returned to his native air about the year 1667, when he preached sometimes with Mr John Welsh, and sometimes with others in the fields as providence opened a door, and sometimes with the presbyterian ministers who were indulged. During the whole summer, 1677 or 1678, he and Mr Welsh frequently preached together in Galloway, Carrick, and other places. Thus he continued till the defeat at Bothwell, which day he was preaching to a large meeting in Galloway, and wanted not impressions of the disaster befallen the west country army, though he could have no accounts of it. As soon as these reached him, he went straight for London, where, and in Holland, he continued till he ventured home again last year, and, as he had opportunity, now and then preached in houses. In the middle of December 1681, he was married to one of the daughters of the reverend Mr William Guthrie, that burning and shining light, of whom in the first book. I should not have remarked this, had it not been accenting to his sufferings, which I now come to. Towards the end of February this year, when living peaceably in the house of his mother-in-law at Edinburgh, some two months after he was so comfortably settled, without any citation or summons, a party of the guards commanded by then captain, and since deservedly major-general Maitland, joined with some of the town company commanded by major Johnston, came and beset the house in the middle of the night; and having with fore-hammers violently broken open the doors (the first

account Mr Warner got) which would have been opened to them had they thought good to have demanded it, they took him out of his bed, ransacked the whole house, and took away upwards of twenty copies of Calderwood's history, lately printed mostly upon his charges, with some hundreds of the second book of Discipline lately reprinted, and several other valuable books out of his closet, with a considerable number of more valuable manuscripts, some of them his, but mostly belonging to his mother-in-law Mrs Guthrie, which had been her husband's. So rude were they, that they searched his very pockets, and took what money they found, and a good watch; but captain Maitland was so kind and just, as, when he heard of this, to cause the watch to be returned to Mrs Warner. Johnston and his men were not so discreet, for they carried off Mr Warner's wearing clothes and linens, and several other things in the rooms; the books and manuscripts were taken to the council house, to be looked over, but were never restored. Straightway he was carried, in the middle of the night, through almost the whole city of Edinburgh and Canongate, to the Abbey, where the duke of York was then lodging, and committed to his guards, where he continued till the morning. That same night Mr William Livingstone, as we shall hear, was seized. Next day at 10 of the clock Mr Warner was carried up the street to the parliament-house, under a guard of a whole company of musketeers, as if he had been some remarkable malefactor. There a committee of council were met to examine him. He remembers, upon the one side of the table were the marquis of Montrose, the Earl of Queensberry, Sir George Mackenzie, and some other noblemen whom he knew not; and upon the other side the archbishop of St Andrews, bishop Paterson, and some more. By the particular account of his examination, the reader will best understand what they had to lay to his charge, and perceive the grounds of his sufferings, and therefore I shall set it down in the precise words, as far as at this distance of time he can remember. The archbishop began with asking his name, which he told: Then he inquired if he was a minister. Mr Warner, without giving him his titles, owned he was: Next he was interrogate where he was ordained; he answered, at London. The primate questioned him how he came to preach in Scotland being ordained at London: The other replied, he reckoned being ordained he might preach any where upon a call. The archbishop replied, he ought not to preach unless he were fixed to a particular congregation; to which it was answered, that he always thought that a minister's first relation was to the universal church, and a relation to a particular charge only secondary. The bishop told him, the laws did not allow him to preach unless fixed to a particular congregation; to which the prisoner answered, he was heartily sorry the laws did not allow him to fix in a particular congregation, which he inclined to if a door were open. Then the marquis of Montrose asked Mr Warner, if he had not sometimes preached in the fields: The prisoner answered with a due respect, he humbly hoped his Lordship would not put such questions to him as might oblige him to accuse himself; yet for his lordship's satisfaction he did declare, that since the act of indemnity he had not preached in the fields. The marquis insisted, and inquired if he had not preached in houses where there were many without doors. Mr Warner, asking his lordship pardon, as above, replied, he would neither say nor gainsay what he had asked; yet acknowledged candidly, that wherever he came to a house, if the people desired it, and their case needed it, he had not refused, as the Lord enabled him, to preach to them, though in the meantime it was not improbable there might be some at the doors and windows, which he could neither foresee nor prevent. Upon this the archbishop asked the prisoner, how he came formerly to say he had not kept any field-meetings since the indemnity; he answered, when he said so, he understood by field-meetings, such as are properly and absolutely so called, and not interpretively. The bishop replied, but these are field-meetings absolutely, because the law condemns them. The prisoner duplied, if he was in any error by using that distinction, it was his Majesty and

1682.

1682. council had led him into it, because in their proclamation they used a distinction in field-meetings, and such as were by law interpreted to be field-meetings. Then the Marquis resumed the inquiry, and asked what a field-meeting was that, he had kept near Monnigaff in Galloway. He put him again in mind, that he did not expect to be put to answer such questions; yet he would own he had kept several field-meetings at or near to Monnigaff, before the indemnity, but did not know which of them his lordship meant. Next, he was asked, what a presbytery it was he had kept in Galloway, with his brother Mr George Barclay, and some other presbyterian ministers. The pannel insisted upon his former request not to be urged with such questions, since his lordship knew in what circumstances Mr Barclay was, (we have before heard he was intercommuned, and fugitate) adding, for him to confess converse with one in Mr Barclay's circumstances, would lay him open to punishment by the present laws. Well then, said the marquis, abstracting from Mr Barclay, what presbytery was it you kept with your own brother, and some other ministers? To which he answered, he had indeed been in company with his brother, and one or two ministers more at most, but he never kept presbyteries with them; for they had never constitute in a judicatory, or chosen either moderator or clerk. Again that Lord asked him, what he thought of the bishop of St Andrew's death. Mr Warner replied, he could not help thinking it a very great hardship, to be questioned upon his thoughts and inward sentiments, yet, in hopes his lordship would not pose him with any more such queries, he would freely tell him he did not approve it. But, said the marquis, it may be, that is because you think they went not wisely enough to work. No, my lord, said he, it is because they were but private men, and not clothed with authority: but, added the marquis, do not you think it an abominable murder? The prisoner replied, My lord, I have said as much already, as to those questions, as I humbly conceive may satisfy, and am not willing further to be imposed upon; I am none of these men's judges, nor do I desire to be a rigid censurer of others, especially being now a prisoner, and not knowing what measure I myself shall meet with. The advocate next took him up, and said, You are very moderate, Mr Warner. He replied, I hope your lordship does not condemn moderation. No, said the other, but you are not so moderate to the late marquis of Montrose, but call him James Graham, by way of contempt, in a paper here found among your papers. He replied, I know of no such paper, neither is there any such belongs to me. Then, said the advocate, it must belong to Mr Livingstone, (who, we heard, was likewise seized with all his papers last night.) I know not, answered the other, to whom it may belong, but I know it is none of mine. Next, the advocate questioned him, Here are a great many copies of the Second Book of Discipline, which, it seems, you have spread through the country; are you the printer of them? No, answered he. How came you by them then? said the other. It was answered, they had been sent him from Holland. But, said sir George, you should not spread such seditious books. The prisoner replied, it was a book had been printed and reprinted many years ago, and he had never heard of any *index prohibitorius* or *expurgatorius* against it.

By this time the earl of Strathmore, with whom Mr Warner had the honour to be acquainted at the university, came in to the house. As far as was understood, he was not a member of the committee, at least he did not take his place with the rest, but stood at the foot of the council-table, with the prisoner. When he perceived the members were over with their questions, he asked Mr Warner if he had not been educated at the university of St Andrews? Yes, my lord, answered he, as your lordship also was. Then, said the earl, I know you very well, and was pleased to add some things to his commendation, more than Mr Warner thinks he deserved. The bishop of Edinburgh said to him, I believe you have been at that college when I was there; he answered, he was. The advocate added, There was one of your name there when I was there, but I know not whether it was you or your brother: what time was your brother at the uni-

versity? He answered, he did not distinctly remember, but it was some four or five years before he was at it. The advocate asked, when he was there, and the earl was pleased to say, he was there about the year 1658 or 1659. Then, said the advocate, Mr Warner, your brother was the person that was my condisciple, and was my very intimate acquaintance, and I would very gladly know what is become of him. This the prisoner thought convenient to answer by silence, not being willing to awaken sleeping dogs, remembering his brother, by a process at the advocate's instance, had been declared fugitive. Whether the advocate knew it, his name being mixed with many others, or would not now appear to mind it, he could not determine, and reckoned it safest to hold his peace. These little incidents, though not very material, discover to us the forms, if not the fetches used by these examining committees. Mr Warner began now to conceive some hopes he would not meet with very great severity, since so many did him the honour as to scrape acquaintance with him, and, as he thought, spoke kindly and favourably to him; and the advocate was pleased to tell him, he was acquainted with several of his and his wife's relations. However, he was sent to the tolbooth, where he had not been a quarter of an hour, till he was called for again by the committee; and when brought in, the advocate told him, we have found here among your papers, a translation of *Buchanan de jure regni apud Scotos*, and desired to know if he was the translator of it. He answered, he was not. Translate it who will, said the advocate, it is a very bad translation. That may be, said the other, but I am not to answer for it. But are you not the writer? said the advocate. The prisoner denied. Then he was desired to come and look upon it, and consider if it was not his own hand writ. To satisfy you, my lord, said he, I come; and when he looked upon it, he assured him it was not. But, insisted the advocate, is not this your paper? It is none of mine, said he, I never saw it before. Sure, said the other, it must be yours, and now you are not dealing ingenuously, for it is declared here, that it was brought from your house, with many other papers, for which he attested the rest of the counsellors. The prisoner still averred what he had said, but told them, that captain Maitland, who by this time was at the bar, had been so exact in seizing all papers, that he had carried away a whole trunk-full of manuscripts, belonging formerly to Mr William Guthrie, yesterday in possession of his mother-in-law, Mrs Guthrie, which he himself had never seen; which fact captain Maitland assented to; and, added he, it is possible that paper may have been amongst them. By this time Halton came in to the committee, and asked the rest what the prisoner said of the bishop's death; one of them answered, he doth not approve of it, but will not call it murder. Then said Halton, he shall be hanged, which the prisoner answered with a smile. Sir William Paterson, being all this while perusing some missive letters sent to Mr Warner, found in his pockets, began to pose him concerning one of them sent from Edinburgh to Mr Warner, when he was at London, bearing, that his friend had sent him the notes he had writ for from Edinburgh, but found not his own bond among them. Now, says the clerk, this must certainly be some bonds you have been employed in, and collections you have been carrying on for some treasonable design or other. By the way, we may notice, what perverse meanings and terrible stretches they put upon matters, and how much they inclined to find such as came before them, guilty. Mr Warner gave them a very candid and true account of these letters they were pleased to find such a mystery in; that they were some notes and receipts he had from persons to whom he had delivered some tokens, and other things of value committed to his care, when he came home from the East Indies, for which he had given his bond safely to deliver them, and accordingly he took their receipts. He had likewise the writer's bond for some money, which, it seems, his friend missed, and that he directed him also to it. So nice were the committee in their inquiries, that looking on the direction of some of Mr Warner's letters, they further challenged him, because

1682.

1682. they were directed to be left at Dorman Newman, bookseller at London, his shop. Now, says the clerk, this Newman prints all the seditious libels and pamphlets against the government. The prisoner replied, that Mr Newman was a known bookseller at London, from whom he had bought several books, and whose shop he frequented, which, being better known than his chamber, he had ordered his letters to be directed to be left there; that he was a printer of seditious papers against the government, was what he did not know before. The clerk's brother, bishop Paterson, further acquainted the committee, that he had found among the papers brought from Mr Warner's house, a great many debates betwixt the public resolutioners and protesters, which the committee very little regarded. When thus, after all their search and examination, nothing material was found, Mr Warner again was sent back to the tolbooth, where he remained full sixteen weeks, hardly enough used, being put into a common room there with five or six other prisoners. Meanwhile, great endeavours were used to find matter of an indictment against him, for which end Claverhouse in the west country and south, and Meldrum in the east, were employed to search if Mr Warner had been at Bothwell-bridge, or if in his sermons he had preached any thing that might be made sedition or rebellion. Both of them were very forward in the inquiry, and travelled among the conformable clergy, who were very willing to be informers; yet such was his innocence, that the most malicious could find nothing of this nature against him. Claverhouse indeed brought in an account, that Mr Warner had preached the same day upon which the engagement was at Bothwell, about forty miles distant from it, upon these words, as he repeated them, "Sorrow be to him that withholdeth his sword from shedding of blood." This Claverhouse told to a gentleman of Mr Warner's acquaintance, one day on the street of Edinburgh. The gentleman acquainted him there was no such expression in the scripture: upon which an appeal was made to a curate in the west country, who was standing near by; he told them the expression he supposed Claverhouse pointed at, was, "Cursed is he who withholdeth," &c. In a little time the gentleman came to the prison, and gave Mr Warner an account of what had passed, who desired him to assure Claverhouse that he never preached upon these words, and his information was false; which he did, and there was no more of this matter.

When this failed them, the managers applied to some gentlemen of the name of Gordon, who were of Mr Warner's acquaintance, now at Edinburgh, and in hopes, by the marquis of Huntley's interest, to get an indemnity for being at Bothwell, and likewise to M'Clellan of Barscob, who was now getting his remission; but none of them could serve them in this point. It would be endless to set down all the pains they were at, to fix guilt upon this good and innocent man. I add but one instance more, of which Mr Warner had an account at that time, from a friend of his, to whom the gentleman told the story. Dunbar of Baldoon, a very considerable gentleman in Galloway, who had been at home in his house during the rising at Bothwell, and with whom Mr Warner had several times lodged, was dealt with in private with a great deal of earnestness, to declare what he knew about the prisoner: this person of honour told them, he had nothing to say to his disadvantage, that he had known him well, and found him a very worthy person; adding, in a jest, that he heard now that some people said he was a jesuit. In a little time Baldoon was severely threatened by bishop Paterson, and told, if he did not witness against Mr Warner, he himself would be cited for converse with, and harbouring of an intercommuned person; meanwhile, Mr Warner had never been intercommuned. The thing this gentleman was so much importuned and threatened about, was, some words alleged to have been spoken by the prisoner at Baldoon's table, for the lawfulness of defensive arms, which they interpreted to have been said in vindication of the rising at Bothwell, the conversation, as they pretended, having been either in the time of, or a little after the rising. When thus threatened, the gentleman plainly told them, they might deal with himself as they

saw good, but he could not be distinct in what had passed betwixt the prisoner and him, in private conversation in his own house, upon these nice heads, and would not serve them in that affair. What treatment Baldoon would have met with for this refusal, I shall not say, had he lived; but that worthy gentleman died very soon, much regretted. Thus after all their efforts, Mr Warner continued in prison without receiving an indictment, not for want of inclination or pains, but matter.

When the party who seized him, as hath been narrated, took him away prisoner, his books and papers were left in the house that night, but under a guard: and in the morning, Sir William Paterson, and Hugh Stevenson of Montgrenan, clerks to the council, were sent to bring them to the parliament-house. The manuscripts, and among them several little pocket-books, containing notes of his sermons, were put into bishop Paterson's hands, to search for matter of indictment against him, but none was found. Yea, so strict were the seizers of his papers, that they spared nothing. His very civil rights and bonds for money he had lent out, were carried away with the rest, so that he could not command any thing of his own for his sustenance and charges in prison, which were not small. Whereupon he petitioned the council that his books, manuscripts, and papers might be restored to him; but that justice could not be granted, only they allowed him to get back his rights and bonds.

During his imprisonment, he lectured and preached twice every Lord's day to the prisoners, and a few others, who, by their acquaintance with, and giving money to the keepers, got in. He petitioned the council for his liberation, since nothing worthy of bonds or imprisonment was laid to his charge, but in vain. When the advocate was dealt with by his friends for this end, in a huffing way he told them, he had orders to draw an indictment. Mr Warner sent again to him, begging of him that he might hasten it; but he heard no more of it. Upon repeated applications from Mr Warner's friends to the counsellors, it was signified, that since he had acknowledged he had preached contrary to law, he behoved to reckon upon one of three; either to give his bond to preach no more unless he conformed, or remain in perpetual prison, or remove out of the kingdom, finding caution not to return without leave, under the penalty of five thousand merks. One of these, he was told, they were resolved on, and though any of them was severe enough, yet of the three evils he chose that which appeared to him to be the least, to go off the kingdom, and wait till providence should open a door for his return; yet when they passed their act for his liberation, as they allowed him but ten days to order his affairs, before he removed off the kingdom, so they clogged it with this condition, that he should oblige himself not to preach during these ten days. This he had not freedom to do, and so continued still in the tolbooth. About a fortnight after, as Montgrenan afterwards told Mr Warner, one day when the council had gone through their work, and were just a-rising, the clerk asked the chancellor, my lord, 'what will you do with Mr Warner?' adding, 'you have ordered him to oblige himself not to preach during the ten days allowed him for ordering his affairs, but if you knew him as well as I, you would as well order him to go to the Grass-market to be hanged, for he will do the one as soon as the other.' 'What shall we do with him then, Hugh?' said the chancellor. 'My lord,' said the other, 'if you would take my advice, instead of taking him obliged not to preach, I would take his engagement to preach thrice a day, while he stays in the kingdom, and so you will burst him, and be quit of his din.' The matter was laughed over, and the clerk allowed to draw his liberation without that clog. A good well-timed jest, both in Lauderdale's administration and now, sometimes went further than law or justice. 1682.

I find a copy of the act for his liberation in the council-register for acts and decreets, and being but short, it follows, "June 7th, 1682, anent a petition by Mr Patrick Warner, prisoner in the tolbooth of Edinburgh, showing, that whereas the petitioner was apprehended in his own house, upon the 22d of February last, and incarcerated in

the tolbooth of Edinburgh, and
1682. having formerly resolved to depart this kingdom, and withal having several affairs calling him forth from it, which, during his restraint, he has no access to attend, and therefore humbly supplicating, that the council would ordain the petitioner to be set at liberty, he finding caution not to return without license, and to grant a competent time for settling his affairs here. The lords of his majesty's privy council having heard this petition, wherein the petitioner offers to take banishment on him, give warrant to set him at liberty, he giving caution to depart in fifteen days, and never to return without license, under the pain of five thousand merks.

At the time appointed Mr Warner removed towards Berwick, and stayed some time in Tweedmouth, upon the English side, till he could conveniently get his family removed, and hired a small house near a village called Spittle, and preached there to a very small auditory, sometimes in his own, and sometimes in a neighbouring house. His enemies in Scotland hoped he would have gone further off, and were dissatisfied when they heard he was so near them; and, upon an information given of this to the council, they wrote to the king, and an order came down from his majesty and the English council, to apprehend Mr Warner. And several parties of horse in Northumberland, commanded by colonel Struthers, were very busy in searching for him and others; and here a new period of his sufferings begins at the heels of the former. Once and again some parties of Struthers' men came to his house, and as oft very providentially missed him. Being daily thus in hazard of being seized, though he had obtempered the council of Scotland's sentence, and had committed no new fault, Mr Warner found himself obliged to retire a little further into England, leaving still his family at Spittle. Accordingly he stayed some time near Alnwick; but finding no convenience there, he went to Newcastle, and, having hired a house, brought his family thither. By this time, it seems, colonel Struthers had repeated orders to seize Mr Warner; so invidious and importunate were the bishops and their managers at Edinburgh in their informations. And Mr Warner having gone up the river Tyne, about two miles, to visit a friend, thither, a party having got previous notice, came, and apprehended him, though neither at a conventicle, neither could they prove he had broken the laws since he came to England. That night he was carried five or six miles off to a private house, and kept prisoner there. The party pretending to do him a kindness, offered to send one of their number to Newcastle to acquaint his wife, and bring him linens or what he needed, he yielded, suspecting no evil; but the persons sent rifled his house, and brought off what papers they could find. And next day he and his papers were brought to colonel Struthers, who was a justice of the peace, as well as commander of the troops. When Mr Warner was brought to the colonel, he showed him his act of liberation and banishment from Scotland, and civilly asked him what he had to lay to his charge since he came to England, and the cause of his being made prisoner. The colonel told him, that upon a letter of the council of Scotland, bearing, that since his banishment he had returned and preached on the Scots side, the king and council at London had ordered him to apprehend him, and send him back to Edinburgh. Mr Warner assured the colonel, that the Scots council had been misinformed, and the accusation was most false and invidious: that since his coming from Scotland at the time of his liberation, he had never returned, or been nearer the border than Tweedmouth or Spittle where he resided; that the council already had security under a great sum in case of his failure, in that point, which undoubtedly they would exact from his sureties if they could prove him guilty, and offered immediately to find bail to answer to any indictment should be given him on that head. This seemed very surprising to the colonel, who said no more to him that night, but ordered him a room in his own house, with a soldier to guard him. Tomorrow he called for the prisoner, and asked if he was willing to take the oath of allegiance: this was as surprising to Mr Warner, who modestly answered, he

was very ill acquainted with the laws of England, and knew not whether they obliged him, who was a stranger and mere sojourner, to swear that oath; nor was he willing to take any oath without an evident necessity, and therefore desired time to consider of it. The colonel seemed now to be afraid, from the assurances given him yesternight, that some time or other he might be questioned for a wrongous imprisonment, and therefore fell into this method, to save his own *bacon* in case of after inquiries to tender the oath of allegiance.

Mr Warner upon this was carried prisoner straight to the gaol of Newcastle, his mittimus bearing only he had refused the oath of allegiance. Here he continued seven or eight weeks, until one of the judges came to that town in his circuit for a gaol-delivery. At this time, upon Alexander Gordon of Earlston's being seized near by Newcastle, with several of the papers and letters from the societies for correspondence, strict orders came to the mayor and aldermen of Newcastle, to apprehend all Scotsmen strangers there, and seize all their papers and books; by virtue of which twenty of Calderwood's histories and some other books were taken from him, which were faithfully given back after the revolution, by one of the aldermen to whom he applied. But the like favour as to the copies being taken from him at Edinburgh, and the far more valuable manuscripts, he could not obtain from bishop Paterson, to whom they were committed, though several times he was promised it.

At the gaol-delivery, the oath of allegiance was to be put to him, and he, being informed of this, endeavoured to consider its import, and satisfy himself about it, as far as he could, against that time. The oath of allegiance in England, is distinct and quite different from the oath of supremacy And considering it had nothing of the supremacy in it, Mr Warner had no scruple as to its lawfulness, considered absolutely in itself. But when he considered how much guilt the land had contracted by taking and breaking so many public oaths, he was a little doubtful as to the expediency of such oaths publicly and universally imposed, and for some time entertained a reluctancy against it, till he upon the other hand considered, that the practices of some of our nation had given the English, and other foreigners, occasion to apprehend, that presbyterians were against all lawful power and government, and denied all allegiance and obedience; and if he, while in England, would state his sufferings upon that head, it would undoubtedly be so constructed of by many; so after a full pondering of all sides, he came to a resolution to take it, and that with such caution as he judged might afford him full peace, and solid quiet afterwards. When the day came, he was called upon to take the allegiance. Mr Warner, with all due submission, in open court, acquainted the judge, that seeing an oath ought to be taken in judgment as well as righteousness, before he sware, he humbly desired to be satisfied in a few things The judge allowing, he asked 1mo. "whether this oath did bind him to allegiance to the king's successors *de facto* as well as these *de jure?*" The judge answered it did not. 2do. "Whereas the oath binds him to be obedient to the king and laws he desired to be satisfied, whether in case any of the laws should be such, as he could not in conscience give active obedience to, if in that case he was bound by this oath any further than either to obey or suffer according to law?" The judge declared, he was bound no further. 3tio. "Seeing he was a stranger in England, and not probably to continue long there, but to remove to some other nation or kingdom, he desired to know, whether he was, by the oath offered just now, bound to give the obedience formerly mentioned any longer than he was in England, seeing when he comes to live in another nation or kingdom, it may be supposed he must be obedient to the laws thereof, and yet these in several things may be different from these of England." The judge told him, his obedience was no longer due than while he continued in England. And Mr Warner having in open court, declared it was with these cautions he was content to take the oath, and no otherwise, the judge tendered it to him, and he took it, and thereupon was liberate from prison. 1682.

Upon the whole, the reader cannot but observe, that this trouble and persecution

1682. this worthy minister met with, was without either accusation, proof, or libel, but entirely on whispers and calumnious information. It was likewise no small charge to him: his jailor-fees at Edinburgh and Newcastle, and his petitions again and again to the council, amounted to a considerable sum. Besides, having engaged in the printing of that useful book Calderwood's History, and lent a great deal of money to help it on, he was obliged to take for his payment, some hundreds of the books in quires; and besides his loss of the bound copies at Edinburgh, those which were unbound, by his frequent removes, were many of them put in disorder and confusion, and so on the matter lost to him, and many of them seized, which, after he had redeemed, were sometimes taken a second time. At a very moderate computation, his loss was upwards of an hundred pounds sterling. Meanwhile, there is neither act of parliament or council against that book, neither did the committee before whom he appeared, blame him for having so many of them as were seized, and yet they would not order them back to him, when desired. After all this trouble and expense, Mr Warner saw there was no safety for him in England, as long as there were any base malicious informers to forge a story about him, and the council at Edinburgh were willing to believe it. In a very little time, new orders might come down from London, and he be brought into new trouble. Therefore in a few days after his liberation, he went over to Rotterdam, and when he had hired a house there, brought over his wife and family not long after. There he staid mostly until the liberty 1687, and he and other worthy ministers were not, even in that place of refuge, free from the malice and restless endeavours of the party in Scotland.

We have formerly heard, that Mr William Livingstone, son to that shining light, Mr John Livingstone of Ancrum, of whom in the first book, was, with all his papers, seized the very night wherein Mr Warner was apprehended. I find by the registers, March 21st, a petition to the council, bearing, "that Mr William Livingstone having been seized February 22d last, and sisted before a committee of council, was questioned upon collecting and distributing money to rebels, and corresponding with them, and importing and vending several seditious books, to which the petitioner answered negatively, acknowledging, before the late indemnity, he had got some money to be distributed among the prisoners that were starving:" his petition is granted, and he is ordered to be liberate, upon his finding caution to appear when called.

Upon the 4th of April this year, Thomas Greg, merchant in Carrick, fell under very hard treatment. This good man is lately deceased, and I have this and other branches of his sufferings, more than once from himself. Nothing was to be laid to his charge but mere nonconformity; he was upon the high road with his pack, following his calling, when Claverhouse seized him. Immediately they took all his money and goods from him, and carried him forward, whither the party was going, to the Newton of Galloway, and from thence to Dumfries, next day, on a bare-backed horse: and though they had taken his pack and money from him, and had nothing to lay to his charge, they would neither allow him meat nor drink all that time; and he had fainted, yea, starved for them, had not the country people upon the road, and where they lodged, given him some little thing. At Dumfries, he and some others they took at this time, were put in prison, and the good people in that town provided them in meat and drink, else they had starved; and even this the soldiers did sometimes cast on the ground and destroy, because they said it was not bought from some persons they would have employed for providing such of the prisoners who maintained themselves. After eleven days' imprisonment, without any trial or sentence, he was carried to Leith, and, with some others, put aboard a ship going to Holland, and gifted to the recruits there. I need make no reflections upon this hard measure this honest man met with, as well as many others, in this time of sad oppression.

I come forward to give the reader some account of the sufferings of that worthy,

faithful, and singularly successful minister of the gospel, Mr Henry Erskine. These, with some very remarkable providences relative to this excellent man, I have from his sons, two reverend ministers of this church, to whom the reader owes this distinct account. I must omit several singular providences, and shall only give a brief detail of what relates to his sufferings, and put it all together in this place.

Mr Henry Erskine was son to Ralph Erskine of Shielfield, who had his ordinary residence in Dryburgh, upon the border of England. About the year 1649, he was ordained minister at Cornhill, about ten miles distant from Dryburgh, upon the English side. There he was ejected by the act of uniformity, after he had been much owned of God in his work, among that ignorant and almost barbarous people. Having received no stipend when he was ejected, he was advised to go up to London, and apply to his majesty for a warrant to uplift what was his justly, and by law; which he did: and after presenting his petition, and long and expensive onwaiting, he was told for answer, that he could have no warrant for bygones, unless he would for time to come conform to the established church; and some of the Scots noblemen at court made him offers of very considerable benefices if he would do so: but he had not so learned Christ. In his return from London by sea, he met with very remarkable interpositions of providence, for his provision and relief, having spent any little money he had at London, which I want room for here. When he got to Scotland, he transported his family from Cornhill to Dryburgh, and lived in a house of his brother's there, preaching sometimes in the fields, and frequently in his own house, till this year, 1682, when, April 23d, the laird of Meldrum came upon him with a party of soldiers on the Lord's day, when he was at family-worship, and carried him prisoner to Melross, two miles from Dryburgh: to-morrow, a bond of five thousand merks was given for his compearance when called, his nephew James Erskine of Shielfield being cautioner.

Upon the 8th of May following, Meldrum being returned from some persecuting work he had been employed about in the west country, called for Mr Erskine and his cautioner, and having given up the bond he carried him prisoner with him to Jedburgh, where he was a second time liberate, upon bond and caution to appear at Edinburgh the 12th of May. By that time a violent ague had seized Mr Erskine, yet he behoved to be at Edinburgh by that day, and was brought before a committee of the council; where, after some previous examination, the king's advocate asked him, if he would give his bond to preach no more at conventicles. Mr Erskine positively refused this, and said, My lord, I have my commission from Christ, and though I were within an hour of my death, I durst not lay it down at any mortal man's foot. The advocate having made a report to the council, his affair was delayed till the 6th of June, and he gave bail, under four thousand merks, to compear at that time. 1682.

Upon the 6th of June, he appeared before the council, where a libel was read, charging him with preaching at conventicles, disorderly baptizing and marrying. The chancellor asked him, what he had to say to the libel. Mr Erskine answered, he denied the whole; adding, that it was well known to all who lived about him, that from September 1681, to January last, the Lord's hand was on him by a violent flux, so far as he was not in case to bow a knee before God in his family, or ask a blessing on his meat; and that after February, he had been seized with a violent ague, which had laid him under an incapacity for his ministerial work. The chancellor, according to the ordinary method, though contrary to the known maxim in criminals, *Nemo tenetur jurare in suam injuriam*, asked him, if he would depone he had not preached, baptized, or married, from September last, till June instant; he answered, he was not free to give his oath for the whole of that time. The council, though nothing was proven against him, immediately sentenced him to pay five thousand merks of fine, and to go to the tolbooth of Edinburgh that night, and to morrow to be carried to the Bass, there to lie till the fine was paid, and bond given that he should

1682. preach no more. To prevent, if possible, his going to the Bass, which would have gone far to have killed him in his present weakly condition, in the afternoon he petitioned the council, that the sentence might be altered, and liberty granted to go off the kingdom, promising to find caution so to do. Through the interest of some friends this was allowed, and Mr Erskine's nephew, John Brown of Park, bound himself with him in 5000 merks, that in fourteen days Mr Erskine should leave the kingdom. These appearances and petitions still stood ministers money; and I find Mr Erskine had 21 dollars to pay to the clerks, and 4 dollars to the jailor and his servant.

Within the time appointed, he removed off the kingdom, not knowing whither he went, but providence ordered better for him than he could foresee; and he fixed in Parkridge about ten miles from Carlisle, and brought his family there, and lived pretty free of trouble for two years and a half; when he was invited by Mr Philip Gray of Presson, to be under him in an obscure place called Monnilaus, about a mile from Cornhill his old charge: but he was not long in safety there, for, July 2d, 1685, he was apprehended by eight of the militia horsemen, and carried first to Wooller, and next day to Forberry, to colonel Struthers, who acquainted him he must go to Newcastle to Sir John Finwick, by virtue of an order from the king, and so was returned that night to Wooller prison, where he met with the reverend Mr Luke Ogle a fellow-prisoner. July 4th both of them were carried under a guard to Eglingham, to a justice of peace his house; and upon Monday July 6th, for it seems the English were a little more careful of the Lord's day than our Scots persecutors, they were taken to Newcastle. Though Mr Erskine was suddenly taken that morning with a violent cholic, so that he expected his death every moment, yet no pity was shown him, he behoved to take journey, though scarce able to sit on his horse. At night, they came to Sir John Finwick's gate, who not only immediately ordered them to prison, but took both their horses from them, which were never restored; there Mr Erskine's pain and sickness continuing, he got out by the jailor's kindness, for a fortnight, to a private house, Mrs Man's, who took care of his health, and would take nothing for his entertainment. Upon the 22d of July, they were liberate by the indemnity which came out.

Mr Erskine continued preaching every Lord's day at Monnilaus, until the liberty 1687, when he got an unanimous call from the parish of Whitsom, on the Scots side, where he preached in a meeting-house, from September 1687, till the happy revolution, when he was called to be minister of Churnside, and continued there till his death, August 10th, 1696, the 72d year of his age. His life was full of singular and sweet appearances of providence in all his straits, which were not few, and his death was most pleasant and edifying. There are thousands yet alive in the places where he preached, to whom his name and memory is most savoury, for his affectionate, close, and faithful preaching of the gospel. As he was very bold in his master's work, so he was singularly blessed with remarkable success.

By the council-registers, I find, June 9th, Mr Thomas Archer had been a long time in the Canongate tolbooth, for being at a house-conventicle, and nonconformity. He was an excellent youth, brother to the forementioned John Archer, a good scholar, and close student. While he was in the Canongate tolbooth, I am informed, he made himself master of the Hebrew tongue, the Chaldaic, Syriac, and some other of the Oriental languages. Upon the 9th of June, he petitions the council, signifying his design to leave the kingdom, and begging the council may liberate him. There was nothing to be proven against him, and he had lain long in prison, so his petition is granted; and the good youth went over to Holland, and continued there, very much improving himself in all valuable branches of human learning, as well as solid religion. There he was ordained by Mr Fleming, and the rest of the Scots ministers then at Rotterdam, Mr Alexander Hastie having preached the ordination sermon. Mr Archer had been licensed in the excellent lady Riddel's family, before he was taken

which was at the time when Mr Semple was seized, of which before. He came over with Argylo, 1685, when we shall meet with him.

At the same diet of council, June 9th, a process is intented against some very worthy presbyterian ministers, Mr James Rymer at Lethom in Fife, Mr Robert Gillespie at Auchtermuchty, Mr Thomas Arnot, Mr John Harroway in Kirkaldy, Mr John Ferguson of Pathhead, and Mr John Gillespie and Mr John Moncrief. They are libelled for keeping conventicles in houses, since 1679, and, upon noncompearance, these worthy persons are all denounced and put to the horn. I can give no more upon them, than what offers from the records, and regret I have so small and confused accounts of them.

July 7th, this year, Robert Nairn in the parish of Bonhill, in the shire of Dumbarton, fell under no small trouble, for nothing else but his not hearing of the episcopal incumbent. Last year, he had been fined for nonconformity, in twenty pounds Scots, at the regality court at the ferry of Bellach, and now it is wholly exacted. He was a shoemaker in Napierston, and was obliged, notwithstanding of his paying his fine, to leave his house and family, and dismiss his servants, and give over his employment. The sheriff-officers frequently came and searched his house for him, and they seldom came without carrying away somewhat or other with them. February, 1685, the depute of the regality came at midnight to his house, with two officers. His wife with a sucking child was forced to flee to the open fields; the depute found none in the house but three children and a servant maid. Having, with their swords drawn, searched the house, they took the eldest boy, not fourteen years of age, and, with their swords over his head, threatened him to tell where his father was; but he could not. They inventared all that was in the house, except the cradle, which in their great mercy they left for the child, and arrested all in the hand of the landlord of the house, and gave him summons of forthcoming for them. The two infants, the eldest not above five years old, they turned out of their beds, and carried away the bed-clothes. The maid they would carry with them to prison, till she found bail to answer when called. In April thereafter, being informed of some things belonging to Robert Nairn, in a neighbour's house, they seized upon them, and that night they searched Robert's house, took his wife out of her bed, and carried her to prison, where she lay till she found bail to keep the kirk. In the beginning of winter, Robert ventured home to his own house, but was not long there till his persecutors got notice, and one night, he hearing two men were near the house, made his escape; the men followed him, and both shot at him, and narrowly missed him. He got into a wood about a mile from his house, and escaped them. But he contracted such a cold by lying there, that shortly after he fell very sick, and came again to his house, that he might have some little accommodation under his illness. Notice was quickly got of this, and, Saturday, December 26th, two officers came to carry him prisoner to Dumbarton, with orders to bring him on horse, if he was so sick as he could not go. His landlord John Macallaster, who had done him many kindnesses, hearing of this, found means to detain the officers, till Robert was carried that night to a barn, where he lay till the morrow, when he was carried to a friend's house, about a mile's distance, where that night he got to his everlasting rest, beyond the persecutors' malice, except as to his body, which, it seems, they ceased not to show their malice at. Upon Monday, to prevent trouble to the family where he died, his corpse was carried to his own house. His friends designing him a decent burial, which became them, he being a judicious Christian and saint of God, sent for the parish mort-cloth, but the curate having that in his custody, refused it; and when on Tuesday the beadle came to make his grave in his burial-place in the church-yard of Bonhill, the incumbent came out upon him and hindered him, and locked the gate, as if this good man had been unworthy of a Christian burial. However, his friends afterwards prevailed to have the grave made, and he was buried. But the defunct's relic and son were sum- 1682.

1682. moned for breach of the arrestment laid upon all that was in the house, and that immediately after the interment, before the company were dismissed, which process cost them twenty pounds Scots before they got rid of it.

About the same time, John Bredin, in the same parish, and at present one of the elders of Bonhill, fell under much the same steps of persecution. His house was frequently searched, his goods taken away to a considerable value, himself narrowly escaped, and forced to flee and hide himself, and all this merely for not keeping the kirk.

About this time, John Flockhart in the Hole of Kippen, for his alleged presence at conventicles, had seventy troopers of Clackmanan's dragoons quartered upon him, who spoiled his house and cattle, to the value of two hundred pounds. He was imprisoned several months, and paid a considerable fine ere he got out; and afterwards, for his marriage by Mr William Somerwel, minister at Crawford-john, thirty-six dragoons were quartered on him, who damaged him one hundred and fifty pounds, and afterward he paid an hundred pounds fine for his irregular marriage.

I have before me an account of the sufferings of Thomas Thomson in Eastercouchland, in Falkland, about this time, from his worthy son, a minister of this church. For mere nonconformity, he was fined in an hundred pounds sterling, the one half to the earl of Balcarras, and the other to A. Malcom, sheriff-clerk; and till payment, soldiers were quartered on him, who threshed out his corn, and did eat it up. And, besides their maintenance for some months, he was forced to give each of the dragoons a shilling per day. In some time he was ordered to be apprehended, and his house frequently plundered, when the parties missed him; yea, so barbarous were they, that one of his sucking children was torn from the mother's breast, and cast on the floor, whereby his life was much endangered. These severities forced him from his farm, and brought his wife and children to great difficulties, and he himself was obliged to hide and wander, till the liberty 1687.

John Key in the parish of Biggar, now in Walston, this year, merely because he went not to church, had his whole cattle driven from him by Meldrum, who sold them at pretty high rates to his neighbours, from whom he again bought them afterwards. He was at different times fined in near an hundred merks, merely for not hearing. Instances of particular persons would be endless.

November 16th, I find that excellent person, dame Katherine Rig lady Cavers, after citation, appearing before the council. This lady is libelled for keeping conventicles, and being present at them from 1679 to this time; that she heard Mr Donald Cargill, Mr Samuel Arnot, and Mr Gabriel Semple, declared traitors, and Mr Thomas Douglas, Mr Archibald Riddel, Mr James Osborn. No probation being offered, the libel is referred to her oath, and she refusing to depone, is held as confessed, and the council fine her in five hundred pounds sterling, and send her to prison till she pay it, and find bail to be present at no conventicles. She is first sent to Edinburgh tolbooth, and then carried to Stirling castle, where she continued a good part of two years, till her son, the present Cavers, came home from his travels, and made some transaction in her favours. We shall meet with her afterwards.

At the same diet of council, Mr William Erskine is ordered to be taken from Stirling castle to Blackness. I am sorry I can give no more account of him, he was many years in prison for preaching the gospel. It escaped me to observe upon Mr Henry Erskine's sufferings, that June 6th, Mr John Linlithgow in Redpath, was jointly processed with him for preaching at conventicles, and came under the same sentence. Whether he was sent off the kingdom, or to the Bass, I know not.

Upon the last of November, the council pass an act, obliging the presbyterian ministers connived at in their preaching to take the test. Whether this was the first bell to the turning out of the indulged, or did comprehend them, I cannot say; but the words of the act follow, and with it I shall end this section. "The lords of his majesty's privy council being informed,

that several of these nonconformist ministers, who, for these several years, pretend to be connived at to preach, have since the first of January last, continued to preach and exerce other ministerial functions, without taking the test, in manifest contempt of the sixth act of his majesty's current parliament, recommend to the bishops and archbishops forthwith to silence them, and to plant their parishes with regular men, and report; and recommend to the lords of exchequer, to grant gifts of the escheats of those ministers, according to law."

SECT. V.

Of the criminal prosecutions before the justiciary, and public executions of the sufferers, this year 1682.

HAVING given a pretty large narrative of the general oppression of the country, and the particular sufferings of gentlemen, ministers, and others, not unto death, this year; I come now to end this chapter with the criminal processes for life and fortune, and some public deaths and executions, just in the order of time as they happened.

In November last, the council received a list of heritors in Linlithgow, Stirling, and Ayr shires, who had been at Bothwell; they order them to be processed before the justices, by their act following. "His royal highness his majesty's high commissioner, and lords of his majesty's privy council, having considered the list underwritten, of persons alleged guilty of having accession, or being in the late rebellion, *viz.* James Hunter heritor in Linlithgow, Robert Hergin heritor there, James Burkney heritor and litster there, James Carmichael younger of little Blackburn, Patrick Marshall of Crochill, Edward Marshall heritor in Kaemuir, George Arthur portioner of Balwhatston, Thomas Houston of Middlerig, Robert Gibson portioner of Balcastle, James Forrest in Greenhill, John Hastie feuar of Boghaugh, John Paterson of Peatbridge, David Forrest in Kilmore, in Kippen parish, Alexander Buchanan fiar of Bucklyvie, Donald Connel portioner of Bucklyvie, Ure of Shargarton, Walter Leckie of May, John 1682. Key in Glennis, Arthur Dougal in Arncamuel, John Dougal his son, John Mackenzie there, Thomas Miller in May there, John Gardner wadsetter in Holhouse, John Auld heritor in Balmitchel, John Taylor elder heritor in Holhouse, John Taylor younger heritor there, John and James Schaw, sons to John Schaw heritor in Easter Greenhill, George Mochrie fiar of Stonridge, Robert Howie seaman there, James Boyd tenant to George Arthur, heritor and portioner of Balwhatston, Zachary Neil, son to Thomas Neil in Dalwherne, George Hastie webster there, Patrick Russell servitor to Margaret Milne in Dalwhen, John Allan webster there, William Robertson carrier, Thomas Marshall in Waterdykehead, Patrick Salmond, brother to Robert Salmond in Balwhatston, Steil, smith at East-Bridge, James Falconer servitor to Middleridge, Thomas Ure in Glens, James Galbraith there, William Young, cordiner in Gargunnock, Andrew Miller smith there, James Macarcher there, and Thomas Ferguson of Finnarts, do hereby give order and warrant to his majesty's advocate, to pursue a process of forfeiture before the commissioners of justiciary, against the said persons, for the foresaid crime. His royal highness his majesty's high commissioner, and lords of his majesty's privy council, do hereby give warrant to general Dalziel, to cause apprehend, and bring in prisoners to the tolbooth of Edinburgh, such persons as his majesty's advocate or solicitor shall give up to him in list, as necessary witnesses in the process pursued before the justices, against several persons in Linlithgow, Stirling, and Ayr shires, for being in the rebellion, provided that any of these witnesses, who shall find caution for their compearance before the justices at the diet, be free of imprisonment or any trouble upon that account."

Accordingly, January 9th, they are tabled before the justiciary, but the advocate at this time insists only against a few of them. The witnesses adduced prove, as before, that they were seen in arms travelling from one place to another, about the time of the rebellion, and some of them

1682. wanted arms. The assize brings them in guilty just in the terms of the depositions of witnesses, some proven to be in arms, and some not. Some, after probation is led, make a renunciation of their estates to the lords of the treasury, as in the processes above, and the diet is deserted *simpliciter* as to them. The sentence of forfeiture is pronounced in common form upon George Arthur of Bunnahill, portioner of Balwhatston, James Ure of Shargarton, Donald Connel, portioner in Bucklyvie. Those are Stirlingshire heritors, Thomas Russell of Middleridge, Edward Marshall, heritor of Kaemuir, John Taylor elder in Holehouse, John Schaw, son to John Schaw of Easter Greenhill, George Mochrie, fiar of Stonridge, Thomas Ferguson of Finnarts, in the shire of Ayr, of whom before.

Some well-attested accounts of the sufferings of the family of Shargarton, are come to my hand, of which I shall here give an abbreviate. This gentleman, James Ure of Shargarton, having left hearing the episcopal ministers, joined himself to the persecuted presbyterian ministers in Stirlingshire and Monteith, and heard them, and had his children baptized with them; upon this he was many times searched for, and his house frequently spoiled by parties of soldiers before Bothwell. Mr Robert Young, curate in Kippen, was the great informer against him and others in that neighbourhood. In short, after great losses, he was forced to leave his house and family, and wander the best way he could. In this case, for his own safety, he joined the people in arms at Bothwell. Such as came from Kippen, Gargunnock, and that country, joined themselves to him as their captain, and he and they were placed at the bridge to defend it, which he did with a great deal of bravery, till his ammunition failed, and the army fled, and several of his men were killed, and he got off himself with very great hazard. For nine years' time he and his family underwent inexpressible sufferings, and till the liberty, 1687, for that space he was not three nights in his own house. When he was forfeited his rents and moveables were all seized, and parties of soldiers came to his house, upwards of thirty times in quest of him, and often did continue there and among his tenants for several weeks.

About this time there was a sermon at the Gribloch, where many were apprehended, among others the old lady Shargarton his mother, a gentlewoman above seventy years. They were carried sixteen miles prisoners, with great severity, to Glasgow tolbooth. There by the crowd, and want of accommodation, this aged lady fell very ill, and petitioned the commanding officers that she might be liberate upon sufficient bond, or, if that might not be, that she might be taken out of the crowd to another room, or a house in town, being in hazard of her life: but no favour could be allowed her, and in a few days she died among the throng of other prisoners.

Meanwhile, the fury continues against this worthy gentleman, and an hundred pounds sterling were offered to any who would bring him in dead or alive; whereupon he was obliged to flee to Ireland. Notice being got of this, Mr Young at Kippen procured one Methven, who knew him clothed as a soldier, to be sent with a party of soldiers to Cartsdike and Greenock to search the ships going for Ireland. Providentially Shargarton was not aboard at the time, and so got to Ireland, where he continued about half a year, when he turned anxious to see his lady and family, and ventured home, and for some time was undiscovered; but his persecutors got notice at length, and he was forced to the fields. During the winter 1684, for several weeks he was obliged to lie in the wood of Balwhan all night, the frost was so great, that when he awoke, his clothes would have been frozen to the ground. As soon as day broke, he retired to a tenant's house, Duncan Chrystall's, at the Muir-end, where he had a hiding-place in a barn behind some corn. His lady was apprehended in a little time for conversing with her husband, and was taken in prisoner to Stirling, with a sucking child on her breast; there she was some weeks prisoner, and thence carried into Edinburgh, and put in the Canongate tolbooth. After she had been there some time, her friends got her out on bail, to answer when called, under

two thousand merks. In a little time she was called, and went to the council-house with her infant on her breast: But some of the more moderate being ashamed of this barbarity, she was dismissed, and got home again. Her husband continued hiding till the liberty, and under his long tract of sufferings he met with very providential deliverances.

At the revolution he came in with some of his tenants, and joined with others, who were a guard to the convention of estates. Afterward he was captain-lieutenant in Argyle's regiment, where he was very useful against the Highlanders: for which reason, Cannon and Buchan sent down a party upon his lands; they attacked the house of Shargarton likewise; but his lady, with the servants, and some tenants she got in, very courageously kept out the house against them. This good man had his forfeiture taken off at the revolution, and outlived the unnatural rebellion 1715, and observed the righteousness of providence, in making some of his persecutors taste of the cup he had drunk so deep of; and after all his sore sufferings died in peace at his own house.*

February 20th, William Harvey weaver in Lanark, is before the justiciary. He is indicted for being at the late rebellion, and being present at publishing the treasonable declaration at Lanark, May 29th, 1679. The witnesses prove him present at the publishing of the declaration plainly, and the assize bring him in guilty of being at the late rebellion, and publishing the late treasonable declaration at Lanark. Whether this relates to the declaration January 12th last year, or, as he says in his speech to the people, for proclaiming Mr Welsh's declaration, and he is now executed upon his being at Bothwell, I cannot say; but the justiciary delay pronouncing sentence till the council ordain them to pronounce sentence of death on him, and appoint a party of guards to carry him west, and be present at his execution, March 3d. Accordingly, by his original testimony and other papers writ at that time, I find he was hanged at Lanark, March 3d this year. The collectors of the Cloud of Witnesses have no account of this man, it may be because he owns the king's authority. His testimony is very short, and he got liberty to deliver it, though two drums were ready on each hand to ruffle as major White should order them. "He declares himself a presbyterian, and that in his judgment people should obey the king in his lawful authority. He says, the law has condemned him to die in that place for proclaiming a paper over the cross, which they called Mr Welsh's declaration, because there was something in it against prelacy; that he did this in the integrity of his heart, and when he had done, said in sincerity, God save the king; and that this was all he was condemned for. He declares, he believed what was in the scriptures, and adhered to the Confession of Faith, National and Solemn League and Covenant, our catechisms, and all the faithful testimonies since the year 1660. He declares he is for kingly government, according to God's word." After he had prayed fervently upon the scaffold, he went up the ladder, and spoke to the people a little, pressed them to make their peace with God sure, and serve God and obey the king so far as the word alloweth, and no further. He prayed again on the ladder, and committed himself to the Lord's mercy, declared his willingness to die, and his forgiving all who had a share in his death, and died with a great deal of composure. In short, he seems to have been made a sacrifice to the managers' resentment for the last declaration at Lanark, though I cannot find he was concerned in that, but only in proclaiming the west country declaration before Bothwell engagement. 1682.

Another process against a poor ignorant simple woman, I find before the same court. March 27th, Christian Fyfe, late indweller in Fife, is indicted for invading a minister, and treason. The probation adduced against her is her own confession, before the committee for public affairs. "Edinburgh, 21st March, Christian Fyfe confesseth, that on sabbath last, she did beat Mr Ramsay in the old kirk, at the ending of the sermon, and the reason was, she thought he was profaning the sabbath. She declares she thinks the king is not lawful king nor the judges lawful judges, otherwise they would

* See Dr M'Crie's Lives of Veitch, Bryson, &c. for a fuller account of Ure of Shargarton.

never have murdered Mr Donald
1682 Cargill and Rathillet. Since Mr Cargill's death she thinks there was not an honest minister in Scotland. That she thinks it very good service to kill all the bishops present and all of them that are in Scotland; declares the reason why she went to the church was to beat and not to hear the minister. When before the justiciary, she judicially adheres to all she had formerly confessed, and declines them as her judges; and adds, she went not to the kirk to beat a lawful minister, but one whom she thought a Judas and a devil. That these who killed the archbishop were at their duty. Without any difficulty the assize bring her in guilty, and the lords sentence her to be hanged at the Grass-market upon the 7th of April.

When ever any of the forfeited persons were catched in their wanderings, the old sentence in absence took effect on them, and the lords of the justiciary named a day for their execution. Thus April 7th I find four gentlemen before the justiciary, and a day named for their execution; and it seems, in these cases, a warrant was necessary from the council, who at this time assumed the powers of parliament, justiciary, and every thing which made for the carrying on of the persecution. Their sentence runs. "By virtue of a warrant from the lords of council, the lords commissioners of justiciary, having considered the dooms of forfeiture already passed on Robert Fleming of Auchinfin, Hugh Macklewraith of Auchinfloor, major Joseph Learmond, and Robert M'Clellan of Barscob, for crimes of treason and rebellion; and having examined them they acknowledged they were the same persons forfeited in absence, and against whom the sentence is pronounced, by which they are ordered to be executed to death, and demeaned as traitors when apprehended: ordain Robert Fleming, and Hugh Macklewraith to be hanged at the Grass-market, Wednesday next the 12th instant, and major Learmond and Barscob to be hanged on the 28th instant, and the heads of major Learmond and Robert Fleming to be affixed upon the Nether-bow Port, and that the magistrates of Edinburgh see to the execution."

None of these four were executed, as far as I hear. Interest was made for them, and some of them got remissions, and Barscob made compliances, and was of some use to the managers afterwards. April 20th I find a petition presented to the council, by Robert M'Clellan of Barscob, Robert Fleming some time of Auchinfin, Hugh Macklewraith sometime of Auchinfloor, and major Learmond, prisoners in the tolbooth of Edinburgh, and under sentence for treason and rebellion, for a reprieve. And the council reprieve and continue the execution of the sentence till May 19th. May 13th major Learmond is sent to the Bass, and reprieved till further orders. Barscob and Auchinfloor appear at the council-bar. The duke of York declares his majesty hath pardoned them. By an attested account under his son's hand, I find that major Joseph Learmond was under a continued tract of hardships since his forfeiture after Pentland, and was sometimes obliged to go to Ireland, and other times was under hiding at his own house, which was frequently rifled and spoiled. This year he was taken prisoner. By interest made for him, at this time near eighty years of age, his sentence of death was turned to a perpetual imprisonment in the Bass, though, if he would have taken the test, he might have prevented this. There he was close prisoner five years, till falling indisposed, upon the declaration of physicians that he was in a dying condition, he was let out on bail. Next year the happy revolution came about, and he returned to his own house of Newholm, where in a little time he died in peace, in the eighty eighth year of his age.

In May, one Robert Gray was brought before the justiciary. I can give but a very short account of him. He was an Englishman who lived in Northumberland, and had been taken, I know not upon what pretext, about ten months before, and lay all this time in prison in hard enough circumstances. After he had been examined before a committee of council, I find him before the justiciary May 17th. The matter of his indictment was precisely a letter he had writ, to John Anderson prisoner in Dumfries, wherein he disowns the king's authority, and before the justiciary he

owned the letter, and the expressions in it to be his opinion; upon which he was sentenced to be hanged at the Grass-market upon the 19th of May. His testimony is in print already, and therein he declares, men had unjustly taken away his life, merely for adhering to his principles, though they had no matters of fact to charge him with. When he was carried from the prison to the place of execution, some of the magistrates of Edinburgh, as was ordinary, were ordered to see him executed. He told them he was very apprehensive, that the much innocent blood shed in that city, would draw down heavy judgments on it. Amongst his last words, he expressed his firm hope that the Lord would yet send very glorious times to Scotland.

Mr Gray's original indictment is in my hand, and being but short I shall insert it here, as another instance of the severity of this time. "Robert Gray prisoner in the tolbooth of the Canongate, you are indicted and accused, that albeit by the laws of this and all other well governed nations, the crime of treason is punishable by death, and confiscation of all estate, heritable and moveable, and particularly by the 12th act, parl. 8th, James VI. the declining of the king's authority and royal power in any case whatsomever, either spiritual or temporal, is treason, but much more the calling him a tyrant, and declaring that his subjects ought not to obey him, and that he ought not to be owned as king, is the highest degree of treason and lese-majesty. And by 2d act, 2d sess. 1st parl. Char. II. whoever shall contrive any bodily harm against the king, or endeavour to put any restraint upon his person, or to deprive, depose, or suspend him from the style, honour or kingly name of the imperial crown of this realm, and shall by writing, printing, or any advised speaking, declare such their treasonable intentions, they shall be adjudged as traitors. And by 43d act, parl. 2d, Jam. I., and the 83d act, parl. 6th, Jam. V. the crime of leasing-making against the king, and his people, and his parliament, is punishable by death. And by the 10th act, 10th parl. Jam. VI. to declaim, or speak, or write any purpose of reproach or slander of his majesty's person, state, or government, or to deprave his laws and acts of parliament, is punishable by death. Yet true it is, that you the said Robert Gray, having shaken off all fear of God and respect to his majesty's laws, did most treasonably write a letter upon the 18th of April last, to John Anderson prisoner also for treason in the tolbooth of Dumfries, wherein you did declare our present sovereign, the best and most merciful of kings, to be a tyrant, and that therefore he ought not to be owned as king. Likewise you did by that letter incite his majesty's subjects not to obey him, and did deprave the late act of parliament made for taking the test, calling it the black test, and destructive of all the work of reformation. And you being called before the lord chancellor, and a committee of council, upon the 13th of May instant, you did of new again not only adhere to the said letter, and all that was in it, but did of new commit the foresaid crimes, by declaring that you owned all these principles, and that it was a duty upon you to write so to your brother who was in prison. Of the which treasonable crimes you the said Robert Gray are guilty, and actor, which being found by an assize, you ought to be punished with the forfeiture of life, lands and goods, to the terror of others to commit the like hereafter." 1682.

Follows a double of the letter mentioned in your dittay.

"Dear friend,

"I received yours, and am very much refreshed to hear of any one, at this day, that is holding by the truth, and is helped to witness against the wrongs done to our Lord and Master, which is the main thing we are called to be at in this time, by which God is glorified, and it shall bring peace to us in the end. As for answer to that of owning this tyrant in ecclesiastical matters, I hope it is beyond all doubt and debate, with all zealous exercised Christians in Scotland, that he should not be owned at all in it, whatever the time-servers, who will sail with any wind that blows, do, who, like Esau, sold his birth-right for a mess of pottage, we are not concerned. And as for owning him in civil things, to

1682. me it is very clear, now as matters are stated, he should not be owned: in a word, for his breach of the civil law, in pardoning and setting free murderers and buggerers, and murdering poor innocents, and making his will a law, and placing none in public trust but such as have taken the black test, utterly disowning the whole work of reformation, with which way I cannot meddle directly nor indirectly, without saying, a confederacy, with them. I cannot tell how much more might be said on this head, if time would permit; but this, I think, with what our late worthies did in casting this tyrant off, and out of the church, might give full satisfaction not to own them in any thing, seeing they have acted for the devil more than ever, and their work has prospered in their hand more than formerly. Indeed, if we consult men at this time, in the matters of godliness, no wonder we be in the dark; but, O! beware of that, and flee to the holy word of God; beware of looking out at any back door, or halting betwixt two opinions, for of a truth there is a halting that will not be approven of by God; and I think those will not be approven of God, in meddling with this malignant party, directly or indirectly; it is a thousand to one if they see it.

"P. S. Barscob and major Learmond got their sentence on Friday last, to die on the 28th, and Hugh Macklewraith and Robert Fleming had their sentence that day too, and should have died this last Wednesday, but they got a remission to the 28th, and it is reported that Barscob and the rest have offered to take the test, and they have sent up to the tyrant upon that account, to save their life. As for John M'Lurg and Robert N. there is no word yet what is to be done with them. I shall give you account afterward. My soul is grieved to see the treachery in the matters of God, that is used among the prisoners, and their seeking sinful shifts to be free of the cross of Christ. O! dear friend, seek to be kept steadfast in the day of trial. Now I can say no more, but leave you in his hand who has brought you to the trial, and can carry you clearly through it. I rest,

"Your fellow-prisoner and friend,

"ROBERT GRAY."

"Edinburgh, May 13th, I Robert Gray acknowledge I did write this letter, but am not acquainted with the man to whom it is directed, only I wrote this, having received one from him.

"ROBERT GRAY."

"Follows your examination before the committee, Edinburgh, May 13th, 1682. Robert Gray being called before the lord chancellor and committee of council appointed for public affairs, and interrogate, if he knew John Anderson prisoner in Dumfries, he declared he did not know him, but had writ a letter to him, and that letter being produced, he owned the same, as he hath testified by his subscription at the end of it. Being asked, if he thought of the king and government, as is expressed in that letter, he said he did, and he owned that as his judgment; and being asked, if he thought the king a tyrant, he said, he had written so, and owned he had writ this letter to John Anderson, as his duty to his brother.

"GEO. GORDON, Cancel."

This is all the managers had to lay to the charge of this knowing and sensible person, a stranger, and not a Scots subject, who had done nothing worthy of imprisonment; and, when in prison, had only writ this letter, in answer to one he had from a fellow-sufferer; and upon this score precisely, they indict him on the 17th, and execute him on the 19th.

In August this year, I find Thomas Lauchlan before the justiciary. I have nothing further about him than what is in the registers. It seems he had formerly been forfeited in absence, and was now taken, and the old sentence took effect. August 3d, he is brought before the lords commissioners of justiciary, who are now the earl of Perth justice-general, Fowlis, lord Collington, Balfour, lord Forret, Hogg, lord Harcarst; and this day Seton lord Pitmedden is admitted one of the lords of justiciary. The prisoner's sentence is, "the lord justice-general, and lords commissioners of justiciary, having considered the verdict of the assize returned against Thomas Lauchlan in Lanark, now prisoner in the

tolbooth of Edinburgh, upon the 21st of March 1681, whereby he was found guilty of being at the rebellion 1679, together with the doom then pronounced against him, to be executed to death, and demeaned as a traitor when apprehended, at such time and place as they should appoint; and he being called before them, and owning himself to be the person designed in the verdict and doom, they ordain him to be hanged on Wednesday next, the 16th instant at the market-cross of Edinburgh. I have no more about him; nothing was laid to his charge but his being in the rising at Bothwell, for which great numbers had been already executed; and, after three years, it seems, they inclined to give a new proof of their virulence this way.

No more executions offer till December, when we shall have them in plenty. September 29, I find the council order the advocate to process Mr Robert Kennedy prisoner, criminally, for being at the rebellion 1679, and field-conventicles since the indemnity. If any thing was done further about him, I have not observed it in the registers of council or justiciary. I notice, that now the journals and proceedings of the committee for public affairs, are read in council, and approven, but not insert in the registers. The most part of matters relative to the persecution, came first before this committee, and since I want minutes, I must necessarily omit many remarkable parts of the present sufferings.

November 14th, the council appoint the advocate to prosecute criminally, about thirteen persons, mostly Galloway gentlemen. Accordingly in the justiciary records December 11th I find process king's advocate contra Galloway rebels. Criminal letters had been raised against them for being at Bothwell, where I know several, and probably most of them were not. That day the advocate produces a commission to pursue the following persons before the justice court, Hay of Orroland, Alexander Hunter of Colwhassen, Andrew Martin of Little-Ellies, James Welsh of Little Clowdon, M'Culloth of Barholm, Gordon second son to the deceased Laird of Holm, Mr Samuel Arnot late minister at Tongland, Mr Thomas Warner late minister at Balmaclellan, Haliday of Mayfield, William Thomson younger of Moncraig, Kennedy younger of Knocknallonie, Macnaught younger of Overton, Thomas Crichton, of Hole of Balwhassie, Brown smith and heritor of Newton. Several others had been ordered to be prosecuted by the council, but interest had been made for them, and these only I find in this day's process. Those persons being cited to this day, did not compear to answer for the crimes of rising in, and being at Bothwell-bridge, harbouring, conversing, aiding and assisting rebels: the commissioners of justiciary adjudge the haill persons named, to be our sovereign lord's rebels, to be put to the horn, and their moveable goods and gear to be brought in to the king's use, they being outlaws, and fugitives from the law. It seems this sentence was found too soft; and therefore, December 18th I find many of the same persons and others are processed upon treason, that their heritable estates might fall into the managers' hands. For form's sake the depositions of some witnesses are taken; and some of them were seen in arms in different places of the country before the rising at Bothwell. The witnesses depone they saw others of them at Hamilton-muir; yet it is but few that were seen there. The assize bring them in guilty, and the lords of justiciary, considering the verdict of the assize returned against the deceased Samuel Grierson of Dalgonar, William Grierson of Kolchwher, James Welsh of Little Clowdon, John Brown heritor in Newton, Henry M'Culloch of Bornholm, Haliday of Mayfield, Mr Thomas Warner sometime minister at Balmaclellan, George Gordon second son to the laird of Holm, Alexander M'Naught younger of Overton, Anthony M'Kie of Glencard, Mr Samuel Arnot late minister at Tongland, James Crichton of Hole of Balwhassie, Hay of Orroland, Alexander Hunter of Colwhassen, Andrew Martin of Little Ellies, Alexander M'Kie of Drumbuy, and Fullarton of Sennick, whereby they were found guilty of treason and rebellion. The said lords therefore adjudge the said Alexander M'Kie of Drumbuy, and Anthony M'Kie of Glencard, prisoners, to be executed

1682.

at the cross of Edinburgh, the first
1682. Wednesday of July next; and the rest, except Grierson of Dalgonar deceased, to be executed to death, demeaned as traitors, and under the pains of treason, when apprehended, at the places and times the lords shall appoint. And appoint their names, fame, and memory to be extinct." However, sovereign providence appointed otherwise, and I think none of them were executed.

Upon the same 11th of December I find another process, which took more effect, before the criminal court, against James Robertson ordinary residenter in the parish of Stonehouse, William Cochran in Carnduff, and John Finlay in the parish of Kilmarnock. I shall give some account of these three sufferers unto death, from the justiciary registers, and some other papers before me.

James Robertson was a merchant in Stonehouse in the shire of Lanark. This serious and religious person used to travel up and down the country with a pack; and in October this year, when in the town of Kilmarnock about his business, he went in to see a prisoner there of his acquaintance, and when with him, without the least offence or provocation, he was seized and carried to the guard-house; his pack and his goods were taken from him, and never restored, and himself kept close prisoner in the guard-house ten or twelve days. During this time he was brought before major White, who would have him give his oath *super inquirendis*, which the prisoner absolutely refused to do, whereupon he was very barbarously used. My accounts bear that the major himself pulled him by the nose, and wrung it about, till it gushed out in blood. After this treatment he was sent back to prison, and when there, whilst he and his fellow-prisoners offered to worship God together, the captain of the guard getting notice, came in with great rage, and pulling the Bible out of James Robertson's hand, swore bloodily he would burn it if he offered to go about this work again. In a few weeks he was carried into Edinburgh under a guard. At Linlithgow he was pressed to drink the king's health, which he refusing the soldiers treated him very rudely, and tied his head and feet together with cords, and left him in that posture upon the cold earth all night. To-morrow, when on horseback, they tied his feet together very hard under the horse's belly, and in that posture carried him into Edinburgh. There he was several times examined by the committee for public affairs, and his interrogatories being very ensnaring, and his answers pretty cautious and pointed for one of his education, I have insert his examination as it was brought as the only evidence they had against him. James Robertson being interrogate, whether or not it was lawful for these at Pentland and Bothwell, to rise in arms against the king: he answered, that it was lawful as they rose in their own defence and that of the gospel, and this, says he, is acknowleged by the Confession of Faith, whereupon the test itself is founded, which owns it lawful to resist tyranny. And being asked if the king be a tyrant, he answers, he desires that the obligations in his coronation oath, and his present practice may be considered, and his usurpation upon the privileges of the church of God, and the prerogatives of Jesus Christ, and his being made absolutely supreme in ecclesiastical matters, from which let it be considered by persons at home, and nations abroad. As to the archbishop's death he answers, he is not a judge to cognosce upon it, and refuses to answer otherwise: and being desired to say God save the king, he answers he is not in composure for such an action, adding prayer ought to be gone about in deliberation. When what is above is read, he confesseth it is as he said, but refuses to subscribe, and the lords sign the confession.

His answers are set down in the Cloud of Witnesses, as he remembered them, and contain some things, which, it seems, the clerk of the committee did not think worthy the setting down. When the president of the committee asked him, Is the king your lawful prince, yea, or not? he answered, "since you make your questions and my answers matter of life or death, it were reasonable to give me time to think upon what I say; but since I am put to it, I answer, as he is a terror to evil doers and

a praise to them that do well, he is, or he is not." He was interrogate, if he was at Bothwell-bridge; and answered, 'You count that an act of rebellion which is criminal, bear witness of it, and so make it evident against me.' Then he was ordered to purge himself upon oath from that, and he should be liberate. He answered, 'I will say no more upon that point. When I told some of you the truth upon that head, I was not believed.' One of them said, 'Now I will try you if you be a man of parts,' jesting him; 'there was an act of parliament standing when the Confession of Faith was made, declaring the king was supreme, which all the presbyterians of that time owned.' The prisoner returned, 'How could that be owned, since the Confession, which declares otherwise, was owned:' and desired the act might be read, for he knew it not; but it was not produced. At the close the president said, 'Now after all, as a test of your loyalty, will you say "God save the king?" He answered as above; whereupon one of them replied, 'Would you ask a blessing to your meat?' He answered, 'If you were present you should know, but the case differs.' Another of them said, 'These principles of yours will condemn you.' James calmly answered, 'If I be absolved of God, the less matter though men condemn me.' These examinations at this time were preliminaries to an indictment, and generally speaking, the advocate formed his indictments against country people out of their answers, having for the most part no other proofs. Accordingly, he was indicted for denying Pentland and Bothwell to be rebellion, denying the king's authority, which, meanwhile, he did not do; but the great matter they took his life for, though they could have no probation for it, was a surmise they had that James Robertson was the person who affixed a protestation against the test upon the church door of Stonehouse, containing several pointed reasons against it.

William Cochran, (the Cloud of Witnesses names him Mungo Cochran) was next indicted much upon the same heads: his answer to the interrogatories before the committee, were all the proof they had against him, and are in short. "William Cochran being interrogate, if it be lawful for subjects to rise in arms against the king, refuses to answer. Being interrogate, whether the king be lawful king, answers these are kittle questions, and will say nothing of them, being a prisoner. Being desired to say 'God save the king,' refuses to say any thing. Can write, but refuses to sign his answers." 1682.

John Finlay was the last of the three, and held much on the reserve likewise. "Being interrogate whether it be lawful to rise in arms against the king, refuses to answer, these being kittle questions, and he a poor prisoner. Refuses to say 'God save the king,' but says he loves the king as well as any person. Confesseth he was present at Drumclog, but without arms. Being asked, if he conversed with Mr Donald Cargill, within these two years, refuses to answer otherwise, than that a man is neither by the law of God nor man, bound to have a hand in shedding his own blood. Declares he cannot write."

All the three own judicially before the criminal court, that these were the answers they gave before the committee of council. And two soldiers are adduced as witnesses against them, who depone that the two last took their arms from them, and left them bound in the fields. The assize bring them all in guilty of treason, though the reader may see their answers are mostly negative, and the court sentence them to be hanged at the Grass-market on Friday next, being the 15th of December.

This harsh and iniquitous sentence was accordingly executed. When James Robertson offered to speak upon the scaffold, he was interrupted by the ruffling of the drums, and when complaining of this, Johnston the town-major beat him with his cane, at the foot of the ladder, in a most barbarous manner. This abominable rudeness to a dying man, and the patience and cheerfulness of this good man in suffering all this, I know, was the occasion of a deep conviction to some who were present, of the evil of persecution and prelacy; and there are severals yet alive, who can date their first serious impressions of religion, from their seeing some of the persecuted party suffer, as they themselves have informed me.

1682. John Finlay was a dear comrade of James Robertson's, and, if I mistake not, his visiting him was the occasion of his being taken; and William Cochran lived in the same neighbourhood, in the parish of Evandale. This last says, in his paper he left behind him printed in the Cloud of Witnesses, that the main article upon which he received his indictment, was his refusing to say, 'God save the king.' Somewhat hath been said of this above, and it may not be out of the road to drop a word further here upon it, since this was put to all these three. This and the like seeming condescensions are mightily insisted upon, in some of the pamphlets which defend the reign I am now describing, and it is said with a vast deal of triumph, that those persons might have had their lives upon the easy and fair condition of praying for the king, and this is mightily magnified as an instance of the lenity of this period. This plain honest country man gives a very distinct answer to this; "when I was bid say 'God save the king,' I could not comply with this, when they had set him up as an idol in the Mediator's room, without being guilty of saying 'Amen' to all they had done against the church and people of God, the true subjects of the kingdom, and the fundamental laws thereof; neither could I bid him God speed, lest I should be partaker of his evil deeds: yea, adds he, they said before our face he was king over all persons, and in all causes, which is a putting him in God's room; they sentenced me because I (they said) disowned authority, which was a diving into the thoughts of my heart." These were the sentiments of the poor serious country people who suffered, and when they had this view, that praying for the king was really an approbation of all now done, it will not appear so narrow a point on which they stated their sufferings, as at the first it may seem, and the prelatists represent it; especially, considering the poor country people's ignorance and education. And these blood-thirsty men were so far from endeavouring to instruct and convince the pannels, that they essayed to ensnare them, and proposed their queries so, as the poor men could scarce miss concluding, that their saying 'God save the king' was an approbation of what was done in his name. They required this as a testimony of their loyalty, as we saw in James Robertson's case; so this piece of reproach may very justly be turned over upon the managers, who had no matter of fact, no act of rebellion or treason to charge many of them with, but endeavoured to ensnare them with captious and double-faced questions, and then took away their lives upon the poor people's being unwilling to approve the wickedness of this time.

I come now to end this year with one of the most flaming instances of the rigour of this period, in the execution of that excellent and worthy gentleman Alexander Hume of Hume, toward the close of this year. This good man had been apprehended, and in his taking sore wounded, by a brother of the earl of Hume, and was brought in prisoner to Edinburgh. The ground of his sentence was only converse with some of the party who took the castle of Hawick, in the year 1679, and everybody owned that the probation of that small crime was not clear, and the verdict of the assize was evidently different from the oaths of the witnesses: yea, he was at his first trial assoilzied, and the diet plainly deserted, his innocence appeared so plain to the criminal court: but afterwards a new process was begun, when these people who thirsted after his blood, and resolved to have his estate, had got some more pretexts against him. I shall give an abstract of his process from the registers.

November 15th, Alexander Hume portioner of Hume, prisoner, is indicted before the justice-court. Because indictments are so numerous now, and it would take up much room to insert the whole of them, and they all run much in the same strain, excepting some few particulars in the application to particular persons, I do not insert them, but observe here, that they generally begin with a large enumeration of the laws they alleged were broken, as act 5. sess. 1. parl. 1. James I., act 129. parl. 6. James VI., act 10. parl. 10. James VI., act 4. parl. 16. James VI., act 2. sess. 2. parl. 1. Charles II. And the indictment goes on with, "Nevertheless it is of verity, that the pannel hath committed, and is guilty of the same crimes,

in so far as John Balfour of Kinloch, the deceased David Hackston of Rathillet, and others, having on the third day of May, 1679, murdered his grace the late archbishop of St Andrews, they, to escape justice, and involve others, fled to the western shires, and there joined in a desperate and avowed rebellion." And then follows an enumeration of the different steps, Drumclog, the attack upon Glasgow, Bothwell-bridge, according to the different pannels. And though, as in this case before us, and many others, the pannel was no way concerned in what was done either in Fife or the west country, yet still the narrative is much the same, so I only consider what is peculiar to the prisoner, and the depositions of witnesses. Mr Hume is particularly indicted, "Of rising in rebellion against the king's majesty, within the shires of Roxburgh, Berwick, Selkirk, and Peebles, in marching up and down in arms, rendezvousing with the rebels in Bewly-edge, resisting and fighting a party of his majesty's forces, under the command of the master of Ross, besieging the castle of Hawick, robbing the arms therein, and marching towards Bothwell-bridge." The lords for several causes desert the diet simpliciter. In short, the process was perfectly invidious, no probation appeared, and had there been any justice and righteousness in the present procedure, the gentleman ought to have been liberate: but by no means could he obtain that without taking the test, which in conscience he could not do; and so he continued in prison till December 20th when new occasions are sought against him. December 20th he is again accused and indicted by the advocate, "that in June 1679 he rose in rebellion, as above; that he came to the house of Sir Henry M'Doual of Muckerston, besieged it, and called for horse and arms; and being bolted out, came armed to Kelso, Selkirk, and Hawick, and searched and sought for horses and armour, and carried away militia colours, drums, &c. and wounded Mr John Purden schoolmaster at Hawick, and did resist his majesty's forces at Bewly-bridge, (or Boig) under the command of the master of Ross, and marched forward to Bothwell-bridge." None of these matters of fact are at all proven. Sir Patrick Hume, advocate for the defender, offers presently to prove, that he came only accidentally to Muckerston's house, being only in his way to his own, having no body with him but one servant; and when challenged by Muckerston where he was going, told him he was riding home, and accordingly he and his servant went home most peaceably. The advocate oppones the dittay, and the lords repel the defence, and remit the libel to probation without allowing this exculpation, though most reasonable. The witnesses are called, none of them are *ad idem*, and all of them most lame. The matter, as far as I can gather, seems to have been this: There had been a sermon at Bewly-bridge, and Lilias Leif-muir, where Mr Hume had been with his sword and pistols, as multitudes had likewise been; and as he was returning from one of them, he, with his servant, called on Monday at Muckerston's house, and offered to buy his bay horse. However, the assize, December 21st, "bring him in guilty of commanding a party of the rebels' horse, in besieging the castle of Hawick, though, as far as I could notice in the depositions of the witnesses, there is no probation of this. Whereupon he is sentenced to be hanged at the market-cross of Edinburgh, upon Friday December 29th betwixt two and four of the clock afternoon." 1682.

Mr Hume earnestly begged so much time as his case might be laid before his majesty, but this was peremptorily refused, and the day hastened in order to prevent it. By a written account before me, I find, that interest being made at court, under the prospect of what Mr Hume's friends saw was designed against him, for a remission, it actually came down to Edinburgh some days before his execution, and was kept up by the earl of Perth; and that on the day of his execution, his spouse Isobel Hume, came in the most moving manner to the lady Perth, begging she might interpose for her husband's life, urging she had five small children. The lady's answer was so inhumane, that I shall not put it in writing, though I have these accounts under the hand of a reverend minister yet alive, who was well acquaint with this gentleman and his family.

1682. I cannot but remark here, that the managers at this time were so full of rage, that not only, as in the former instances, by their ensnaring examinations and questions, they brought poor ignorant country people to do before them, what they made a denying of the king's authority; but even when the king's authority was owned, and no act of rebellion proven, merely upon converse with rebels, and presence at a field meeting, and that alleged only and not proven, they shed the blood of the Lord's saints.

His last words upon the scaffold, are so full of the primitive spirit of the first Christians, in their martyrdoms, so agreeable to our own first three worthies, and those after Pentland, and contain so much of the temper and sense of the body of presbyterians in Scotland, that I could not but insert them here.

The last words of Alexander Hume, portioner of Hume, when he suffered at the cross of Edinburgh, upon the 29th of December, 1682.

"Men and Brethren,

"There is a great confluence of people here at this time, and I would fain hope there are some amongst you that desire to be edified by the last words of a dying man, which shall be but few, because I do not think or judge myself so qualified, to enlarge upon any thing I have to say, as need requires, and some might expect; and moreover, the time allowed is but short. And now I am come here to lay down my life, and I bless the Lord that I am not to lay it down as an evil doer, and albeit I be a sinful man, as others are by nature, yet, through his grace, I hope I am planted in Jesus Christ, in whom I have redemption and remission of sins, through his blood, and am separated from the generation of unbelievers: free love only hath made the difference, and happily hath ordered it so, that I have been born within the church, where the blessed device of the gospel hath been discovered, and the means of salvation made effectual for converting and building me up in grace, and begetting in me the hope of that glory and redemption which I am now going to possess. The ground of my sentence is the alleged converse I had with that party that took in the castle of Hawick, in the year 1679, the probation whereof was not clear, and from which the verdict of the assize did materially differ; as is evident from the witnesses, subscribed depositions, and the recorded verdict of the said assize, the equity and justice whereof I leave to God and all unbiassed persons to judge. I need not be ashamed to live, (as through his grace I am not ashamed to die) and here I dare say, it has been my study to keep a conscience void of offence towards God, and also towards man. The world represents me as seditious and disloyal, but God is my witness, and my own conscience, of my innocency in this matter; I am loyal, and did ever judge obedience unto lawful authority, my duty, and the duty of all Christians. I was never against the king's just power and greatness, and this I commend to all that hear me this day; but all a Christian doth must be of faith, for what clasheth with the command of God cannot be our duty, and I wish the Lord may help the king to do his duty to the people, and the people to do their duty to the king.

"It doth minister no small peace and joy to me this day, that the Lord hath set his love upon me, one of Adam's unworthy posterity, and has given me the blessed experience of his grace working in my heart, whereby he hath inclined me to look towards himself, and make choice of him for my soul's everlasting portion. It is the Lord Jesus, and he alone, who is my rock, and the strength and stay of my soul: all my own righteousness I do utterly renounce, as a garment too short for me, yea, as filthy rags. I die a protestant and presbyterian this day, adhering unto the holy scriptures, and work of reformation from popery and prelacy, according to the engagements, personal or national, lying on me; and I do leave my testimony against all the steps of defection therefrom, either in doctrine, worship, or government, and all the encroachments made upon the kingdom and privileges of Jesus Christ, and whatever is against the life and power of godliness.

"It was the glory and happiness of our land, that the Lord Jesus Christ made choice of us, to dwell in the midst of us by his gospel, and the ordinances thereof, the precious symbols of his presence, by which

we had the advantage of many, if not of all the churches about us. But, ah and alas! how far are we degenerate, and what contempt of this precious gospel are we become guilty of? We have not received the love of God in our hearts, nor improven him for growth and progress in holiness; in place whereof, all manner of impiety and naughtiness does abound, which I fear shall provoke the holy and jealous God, to send many heavy judgments on the whole land, whereby it may be laid utterly desolate, without an inhabitant. It is to be feared, that these things may turn this church into a den of idolatry and provoke the Beloved to put a bill of final divorce into our harlot mother's hand. O! what cause is there to fear, that this people, partly through their own ignorance, and partly through the unfaithfulness and delusion of their pretended teachers, shall return again in multitudes, into the darkness and superstition of popery, from which the Lord in his mercy delivered our fathers. O! that the Lord would give repentance to this generation, that the evil day might be prevented. Be exhorted to turn from your sins, and make your acquaintance and peace with God in time, which is not so easy a work as many apprehend; and who wants his own challenge for negligence in this matter? People love to defer this great concernment until it be too late, unhappily preferring the pleasures of sin to the favour of God, and all the expectation of the saints, within or beyond time. Was there ever a generation wherein so many sad prognostics of divine wrath, upon its near approach, did so much abound amongst men of all ranks and capacities, of whom far other things were expected, and I am sure, solemnly thereunto obliged, no less than these who have suffered at their hands, upon that account? which cannot but highly aggravate sin, heighten and hasten judgment beyond ordinary, which I pray the Lord may prevent. He knows, I desire not the evil day, I would exhort the Lord's people to study much nearness to God, and oneness among themselves, that being of one mind and one spirit, they may stand fast for the faith of the gospel, which is in such palpable hazard this day, as all who have but half an eye may see. I cannot but be sensible of the sharpness and severity of my sentence, which, after strict inquiry, will be found to be as hard measure as any have met with before me; which seems to flow from some other thing than what law or justice could allow. I wish I may be the last that may be thus dealt with; I question not but if competent time had been given, that application might have been made unto his majesty, his clemency would not have been wanting in this case. Nevertheless, I bless the Lord, I find it in my heart to forgive all men, even as I desire to be forgiven, and obtain mercy in that day; and if there be any at whose door my blood may more directly lie than others, I pray the Lord forgive them; and now I wish it may be well with the land when I am gone. My conscience bears me witness, I ever studied the good of my country. I hope I shall be no loser, that I have gone so young a man off the stage of this world, seeing I am to make so blessed an exchange, as to receive eternal life, the crown of glory, the near and immediate fruition of the blessed Father, Son, and Holy Ghost, in place of a short, frail, and miserable life here below. I bless his name he made me willing to take share with his persecuted people, for I hope I shall also share with them in their consolations, when he shall wipe all tears from their eyes, and they shall suffer no more, but reign with him in his kingdom. I am shortly to be clothed upon with my house from above, and that city that hath foundations; I shall sin no more. O desirable condition! when, beyond all hazard of offending God any more, I shall be capable both of serving God, and enjoying him more; I shall wander and toil no more, having reached that harbour of eternal rest. I now contentedly take my leave of the world. Farewell all enjoyments, earthly pleasures and contentments: farewell friends and relations, in whom I had much satisfaction: farewell, my dear wife and children, dear indeed unto me, though not so dear as Christ, for whom I now willingly suffer the loss of all things, and yet am no loser; I leave them on the tender mercies of Christ. Now welcome blessed Father, Son, and Holy Ghost; wel- 1682.

1682. come innumerable company of angels, and spirits of just men made perfect; welcome celestial city; welcome endless joy: and now, O Father, into thy hand I commend my spirit; Lord Jesus receive my soul.

ALEXANDER HUME."

I am of opinion the collectors of the Cloud of Witnesses, have done their collection no service, by leaving out this testimony, if, as I doubt not, it hath come to their hands, and shown themselves not a little partial in leaving out so valuable a paper, unless they are of the same sentiments with relation to Mr Hume, which they own themselves to have as to the earl of Argyle, to whom they allow the honour of dying a martyr for the protestant religion, but not for the presbyterian establishment of it.

Mr Hume, when the rope was about his neck, and immediately before his being turned over, concluded his life with singing the last verse of the 17th Psalm. His estate was forfeited, his wife and five children exposed to very great hardships till the happy revolution, but the Lord carried them through; and since the revolution, his eldest son enjoys, by divine retribution, double more estate than was forfeited, while these who enjoyed the forfeiture were not able to repay their vitious intromissions.

At the end of this year, the laird of Blackwood's prosecution before the council and justiciary begins; but I shall leave it till it come in all together next year, which I now go to.

CHAP. VII.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, DURING THE YEAR 1683.

1683. THE circumstances of the persecuted party grew worse the longer the persecution continued; the harassed people came to be known, their haunts discovered, and the persecutors, by continuance, improved in their acts and methods against the poor sufferers: so that this year and the two following open a blacker scene than we have yet had. Nonconformity to prelacy is now more directly and universally levelled at, and every body is oppressed, who wanted freedom to partake of ordinances dispensed by a set of men who were at the bottom of all the troubles of presbyterians. New methods are taken, and the former ones were continued, and more generally extended. We shall meet with very exorbitant and excessive finings this year, and most diligent searches accomplished, many lives taken, together with the ordinary and yearly oppressions by courts and commissions, and the severities of the soldiers, and likewise an itinerant circuit at Glasgow, Ayr, and Dumfries, whereof I cannot give so large accounts as I wish, but they are fuller than I expected, some of the processes being insert in the criminal books at Edinburgh, which is seldom done in this period. All which hardships are the more aggravated, that the prelates had now no field-meetings to grate them, and the government had no risings of armed persons to term rebellion, and to be a pretext to their severities; but when they wanted this, they look back to Bothwell, yea, even to Pentland. The test was violently pressed at the circuits, upon persons who were not obliged by law to it, and the alleged plot broke out this summer, was a good handle to fall foul upon multitudes of worthy persons no ways concerned in it, but their troubles come mostly in next year. I shall then confine myself very much to the multitude of facts and instances I meet with this year, in the council and criminal books, adding now and then an instance from remoter parts, which could not be in the public registers, and begin with the commissions and proclamations which are the foundation of what follows: then I will go through the particular sufferings of gentlemen, ministers, and others, mostly from the records of council; then give some account of such who were prosecuted for their lives before the justiciary court, and next, a more particular detail of the circuits this year, and shut up all with some hints at the plot, and some other incidental things, which I would not mix with what directly related to the sufferings.

SECT. I.

Of the proclamations, commissions, and instructions, given in order to the further persecuting of presbyterians this year.

WHAT I have in mine eye here, is mostly from the council-register, to give account of the public warrants granted, and steps more generally taken, to continue and help on the persecution: and the particulars which follow in the second Section, will be a commentary on this text. I shall give them just in the order they offer, throughout this year.

We heard before of Skene of Hallyards his severities in several places of the west country; and as a reward of what he had done, and to enable him further to harass the country, January 4th he receives a new power from the council, as follows. "The lords of his majesty's privy council, considering that John Skene of Hallyards, is commissioned by the lord high treasurer of this kingdom, for to uplift the rents of the forfeited heritors, in the sheriffdoms of Lanark, Stirling, and Linlithgow, and burghs within the same shires, and also for intromitting with the moveable goods of these who were at the late rebellion 1679, or who had accession to the late rebellion, who are living within the said shires, with power to call before him any person he thinks can give him information of these who were present at the said rebellion, or had accession thereunto, the said lords have thought fit, for the better execution of the said commission, hereby to give and grant power to the said John Skene, to call any person before him, who he thinks can give him information of those who were in the said rebellion, or had accession thereunto, within the said shires, and examine them upon oath; and if he shall find any sufficient probation against any persons, for being present at or having accession to the late rebellion, or resetters of those who have been at it, then to secure and sequestrate their goods, aye and while he find a merchant to buy them, with power to the said John Skene, if the witnesses refuse to depone, and find caution for appearing to bear witness before the lords of justiciary, against these persons who were at the late rebellion, or had access thereunto, to imprison them in the next tolbooth." 1683.

I shall make no reflections upon this or many of the following commissions; a great deal of power is put in the hands of the persons commissioned, they may attack any body they think fit, high or low, and that upon very large heads, accession to Bothwell, &c. and such as can give information thereanent. No body was safe when such extensive powers were granted to such naughty men. Indeed it was generally country people of the most substantial sort, who were attacked, and from them prodigious sums were exacted, merely to be free of these unaccountable powers given to him and others. How exact he was in this commission, may be guessed from what hath been narrated, and some further instances may afterwards be given.

Scarce any thing in the management of this period, was less accountable, than the attacking of husbands for the nonconformity of their wives, and fathers for conversing with their own children; and therefore it may be worth while to insert here the council's procedure upon these heads. The magistrates of Edinburgh, in their prosecuting of nonconformists, frequently had this case before them, of the nonconformity of the wives of conformists, and they drew up the following queries, which were presented to the council, and a committee was appointed to consider them, and answers were brought in, formed mostly by the advocate, which were approven, January 11th. They are but short, and I insert them both.

Queries anent Fines.

"1. How shall they fine women whose husbands are also fined? and whether these women be finable only in the half of their husbands' fines? since the act against conventicles appoints only the wife to be fined in the half of her husband's fines; and the act against separation specifies no fines or proportions as to any women.

"2. If the wives of regular men should be fined, and to what proportion, and if their husbands should be liable for these fines?

"3. To what proportion should relicts be

1683. fined, who are not liferenters, or have not liferents suitable to their husband's estate?

"4. In what proportion should unmarried women be fined, who want their fathers?

"5. After what age should young persons be fined who have parents, and to what proportions, and if the parents, especially the regular, should be liable?"

Answers to these Queries.

"THE committee, having considered the above-mentioned queries, are of opinion,

"As to the first, that seeing withdrawing from the church is in itself a crime, and by the 7 act, sess. 2. parl. 2. Charles II. it is declared to be seditious and dangerous to the government, though the act anent withdrawing do not proportion the fines as to married women their withdrawing, yet that the wives ought to be fined in the half of their husbands' fines, as in the matter of conventicles, and that the husbands are liable, it being a debt of the wife, and that the husbands are to have defalcations off the wife's jointure.

"As to the second, it is the committee's opinion, that if regular husbands produce their wives to the magistrate, they are not further answerable.

"As to the third, it is the committee's opinion, that relicts be fined according to the condition of their late husband, viz. in the half of the husband's fines.

"As to the fourth, it is the opinion of the committee, that such unmarried women shall be fined according to the condition of their deceased parent, and their own condition as to their fortunes.

"As to the fifth, it is the committee's opinion, that parents be answerable for their children's keeping the church, after they arrive at seven years of age, and be fit to be catechised.

"And further, it being propounded what is to be done in the case, when the husband is a regular person, and the wife irregular, and the husband being with the wife convened before the judge ordinary, and produceth her.

"The said lords declare, that the husband producing her, he has done what was incumbent on him; and if the wife persist contumaciously in the said disorder, the judge ordinary is to report the case to the council, that they may give order, as the speciality of the case will allow, for the wife's punishment, and freeing the husband."

Upon the same council-day, they have the case of Mr Herron before them, for converse with his own son; and though it be most favourable, yet all they do is to interpose for a remission; and being as it were ashamed, the law should oblige them to find persons in such cases, guilty of what infers the pains of death, they write up for new powers to fine at pleasure; which as the king could not legally give, having no power to repeal an act of parliament, so it was convenient for them to have, because they could make a better hand of a fine than a man's dead carcase, and the king did grant them this power. The chancellor's letter to the secretary, upon this subject, follows, dated January 11th.

"My Lord,

"There being one Andrew Herron of Kerrochtree, pursued before his majesty's privy council, for harbouring, resetting, entertaining, and intercommuning with Patrick Herron his second son, Anthony M'Ghie late of Glencard, and other rebels; and the said Andrew having come voluntarily to the lord high treasurer, before any citation given, how soon he understood the hazard he was liable to by law, and confessed, that out of ignorance of the laws of the kingdom, and on the account of his near relation to his said son, and his wife's nephew, he had sometimes seen and conversed with them, and palliate a small trade of cattle, which his son brought from England: having confessed his crime humbly, and begged his majesty and the council's mercy; the council having considered the specialities in his case, do recommend to your lordship, to interpose for a remission both as to his life and estate. But that others may be deterred from harbouring and resetting rebels though never so nearly related, the council desire that your lordship may procure a letter under his majesty's royal hand, empowering and authorizing them in this case, (even though the crime be capital in itself) to impose such a fine as they think fit and

just. This, in the council's name is signified by,

Your lordship's, &c.

ABERDEEN, Cancel. l. P. D."

Thus matters went at this time at Edinburgh. That the persecution might have its full swing in the west, major White's commission is enlarged upon a very trivial pretext, and chiefly with an eye to some particular persons whom he would have been at, and could not reach, being out of the shire of Ayr. His commission is of the first of March this year, and the reader will be satisfied to have the tenor of it, which is as follows. "The lords of his majesty's privy council considering, that by their act and commission of the third day of August last, upon the considerations therein expressed, they did grant commission to major Andrew White, to call, convene, pursue, and punish all persons guilty or suspect to be guilty of conventicles, disorderly baptisms, and marriages, withdrawing from public ordinances, and other disorders therein specified, within the sheriffdom of Ayr, bailiary of Cunningham, and other places expressed, and of holding justice-courts, &c. The said lords being informed, that several of those disorderly persons, as they are pursued within the said shire and bounds foresaid, flee to, and are sheltered in other adjacent shires, and particularly in the parishes of Eglishan, Merns, Carmunnock, and Kilbride, in which there are dwelling also divers persons guilty of the same disorders, the lords extend his commission to those parishes in all points. And in regard of the distance of places in the said principal, and this additional commission, the said major White cannot at all times be personally present at those places for doing of justice, the said lords do give and grant full power and authority to him to nominate and appoint deputes in the said shires and parishes, for whom he is to be answerable; and recommend it to general Dalziel, general of his majesty's forces, to order such parties of the forces as major White shall desire for his assistance, in putting the laws in execution against disorderly persons, conform to his commission, and to order them to obey the major's commands in that service." 1683.

Remarks upon this are needless. It is evident, that it was with some particular views to some persons that the major got his powers extended, otherwise that same reason would have called for the same powers in all neighbouring parishes to the shire; and this power of naming deputes was a terrible addition to the burden of the former; and the lower deputations came, poor country people were the worse dealt by. The privy council, though mere executors of the law, and consequently had little of that power they daily exerted, were worse to come before than the parliament. Major White, for instance, was more severe than the council in many things, and his deputes were yet worse than himself, if worse could be; and this way the oppression turned very general, and few parishes wanted the major or his deputes.

At that same diet, March 1st the council agree upon the following instructions to such as were sent out by them, with a justiciary power to harass the poor country with their courts and deputes, for nonconformity and church irregularities, which I insert before I come to any particulars of the carriage of major White, and some others, in pursuance of these commissions and instructions.

Instructions to the lairds of Claverhouse, Meldrum, and major White, in prosecution of their commissions.

"1mo. When you discover any person or persons within the bounds of your respective commissions, that have been in the late rebellion, and are neither in the Porteous nor fugitive rolls, in case you can have two deponing witnesses thereupon, you are to send them prisoners to Edinburgh, with the probation against them.

"2do. Upon information given you that any heritors have harboured, reset, or intercommuned with any of the rebels, you are immediately to send their names to the chancellor, and the deposition of witnesses that can prove the same, that the council may give directions, either for putting

1683. them under caution to appear, or securing them as they find cause.

"3tio. Where inconsiderable and petty heritors, who are tenants also, are guilty of disorders, you are to fine them in that capacity which will bear the greatest fines.

"4to. In case you find any of the indulged ministers, who have more commonly and contemptuously transgressed the instructions, you are to send accounts to the chancellor with probation.

"5to. If any others who were in the late rebellion, shall humbly, and in the great sense of their guilt, supplicate, and throw themselves on the king's mercy, you shall receive their petitions, and grant them safe conduct, not exceeding fourteen days at a time, that they may come in and apply to the council. This power of safe conduct is only to last till the first of May next.

"6to. Upon information that noblemen or gentlemen do entertain in their families, chaplains and pedagogues that are not licensed, you are to send in to the chancellor, archbishop of St Andrews, or bishop of Edinburgh, lists of the names of chaplains, and their entertainers, that the fines imposed by law may be exacted.

"7mo. You are to call for the books and records of sheriffs, bailies of regalities and royalties, within your bounds, and examine what fines have been imposed in cases of church disorders; and in case you find any not fined who were guilty, or that fines have been taken up without sentence, or by collusion given down or rebated, and not adequate and according to law, you are to pursue such persons, and to fine either such persons as have been pursued and not sentenced, or such as being fined their fines have not been exacted within the space of a month, by payment or security; and such whose fines have been inadequately imposed, in as much more as will make the same correspond with law. And you are to have no regard to any receipts but such as are particular, bearing the crimes and fines imposed, and the money truly paid, relating to a sentence, which you are to allow *pro tanto*. And you are to give account of any of these magistrates guilty of such negligence, connivance, and collusion."

Such instructions so rigorously followed by those persons, and others we shall hear of, opened the door to a fearful scene of persecution, this year and afterwards, for the commissions endured till they were recalled. In short, nobody against whom any information could be had, escaped; and multitudes who formerly had been sufficiently squeezed, were brought on the file again, and prodigious sums were exacted.

Instances are innumerable. I can only give the reader a taste as to major White, who lost no time in executing his commission and instructions. Upon the eighth and ninth days of March he held his courts in the church of Carmunnock, and vast numbers were brought before him; they were all inhabitants of that and the neighbouring parishes, and whomsoever he was pleased to pitch upon. The pretext of fugitives from other places, in his commission was a mere sham. The country people were kept hanging on from one court day to another, to their great loss in this time of labour. Such as compeared not had soldiers sent upon their houses and families, and were besides reserved for further prosecution; and these who compeared and would not swear they were at the church, at least every third Sabbath, were fined in what the major was pleased to impose. Mr Robert Boyd, curate at Carmunnock, waited closely on the major, and used to sit with him on the bench, and instigate and direct him in his procedure against the country people. By his instigation the reverend Mr Andrew Morton, the presbyterian minister before him in that parish, of whom before, was cited for alleged baptizing and preaching in that parish. Mr Morton's friends getting notice of the design, took care he should rather fall into the hands of the sheriff of the shire of Lanark than into the major's; and he was first cited before the sheriff, and in absence fined in four thousand merks. The major disregarded this, and went on in his process, and upon what law and grounds I know not, but I have good information of the fact, fined him in thirty thousand merks. This, and the severity of the times, obliged this worthy minister, Mr Morton, to ab-

scond; and his family removed from the Haggs before-mentioned, to Edinburgh, where he lurked the best way he might, until the liberty 1687, at which time he returned to his parish of Carmunnock, and preached in a house belonging to Sir William Stuart of Castlemilk, till he had access to his church; and after all his tossings and toils, he died minister there in a good old age, and under much serenity, July 1691.

A list of the fines imposed by major White in the parish of Carmunnock, is before me, too long to be inserted here. From eight or nine persons he exacted two hundred and seventy-seven pounds, merely for absence from the church, or rather because they would not swear that they kept it in terms of law; all of them were poor country people. One of them, William Warnock in Busby, was fined in twenty-three pounds, a great sum for him; the poor man not having it all to pay, though he paid a good part of it, the major caused the clerk to search his pockets, and finding there three shillings Scots more than what he paid, took that also. Besides these, at another court day there were five and twenty men fined, precisely for not hearing, some in fifty pounds, some in twenty-five pounds, and about twelve married women in six dollars per piece. William Alexander, and William Baird in Drips, which lies in Carmunnock, but pays tiend to the neighbouring parish of Cathcart, because they refused to be elders in the parish of Cathcart, to Mr Robert Finnick curate there, were remitted to the sheriff of Lanark, and each of them fined in a hundred pounds. And to give the account of the oppression of this parish altogether; upon the 14th of this same month of March, —— Somerwel of Spittle, as sheriff-depute of Lanark, held another court in Carmunnock, and fined some of the former a second time, as well as a great many others. Thus we see the miserable circumstances of the country, Claverhouse and his deputes in the south, Major White in the west, Hallyards and Meldrum in the east held their courts, and particular sheriffs and under-magistrates would attack the very same persons, and the circuit court heightened all, so nobody almost could escape. Major White pursued his commission in other parts of the bounds committed to him, and held new courts at Kilmarnock, and pressed the bond of regularity, as we heard last year, and oppressed either by his deputes or himself, all the particular parishes within his reach. 1683.

I shall only give one instance out of many which lie before me, attested under the gentleman's hand, who is yet alive. Jasper Touch, surgeon in Kilmarnock, was at this time about twenty-four years, but entering upon his business, and had lately set up his shop. Nothing could be charged upon him but nonconformity. When called before the major, because he would not depone that he had been at church at least every third Sabbath, he is fined in nineteen pounds sterling. He did own he had not heard the incumbent Mr Pollock since his settlement there, which was about the space of a year. When fined, the bond of regularity was tendered to him; and because he could not sign it, he was sent to prison with several others. Many of them paid the whole of their fines, and got out; but Mr Touch and seven others more were kept in close prison fifteen days. He got out at length upon paying 27 rix-dollars, which was pretended to be a peculiar favour; and the rest got out upon paying different sums, as they could best agree. They had receipts of what they paid, as part of their fine, and were liberate without taking the bond. But within a little, Mr Touch was again attacked by Mr Arthur Hamilton, for not hearing Mr Pollock, and paid to him five dollars, and half a dollar to the fiscal of the court; and in harvest this year, because he deserted another court then held for pressing regularity, no sooner did he appear again about his business, but he was imprisoned till he gave bond and caution, under five hundred merks penalty, to compear when called; and he had a dollar to give to the clerk for writing it, and fourteen shillings Scots to the keeper of the prison, for about six hours' imprisonment. These minute things are set down to give some view of the great incidental charges sufferers were put to, besides their finings and imprisonment. And to put this

1683. person's sufferings all together in this place. Some time after this, lieutenant-colonel Buchan held a court at Kilmarnock, and Mr Touch not being personally apprehended when cited, did not appear, but was forced to abscond, and to leave his house and shop to the care of his apprentice for six weeks. In absence, he was fined in fifty pounds for noncompearance, and in a vast sum for absence every Lord's day, since Mr Pollock's coming to Kilmarnock. His servant was imprisoned, and an inventory taken of all his household furniture, which yet was not very great, and all that was in his shop. The colonel with his regiment was suddenly called to Glasgow, and the gentleman returned to his business for about five months. When the regiment returned to Kilmarnock, he was immediately seized and imprisoned: no small interest was made for him, there being few of his employment in that country. The colonel refused to liberate him till he paid his fine for noncompearance, and his nonconformity, and until he took the test; and plainly told his friends, that one great thing he had to charge upon Mr Touch, was his dressing some of the rebels after they were sore wounded, when the garrison of Newmills was deforced. However, afterwards, upon new application, he allowed him, upon sufficient caution, under the penalty of a thousand merks, to appear before him or the council in six days' warning to be liberate; and in a little the times growing easier, he was never called.

In short, major White was most rigorous in his exactions throughout all the shire of Ayr. A person of honour, a sufferer himself, and a witness to what was done at this time, writing to me on this head, says, "What the major's commission and instructions were, I will not determine, or whether he exceeded his warrant; but the method he followed with poor people I well remember. When he or his deputies came to a parish, a roll was made up of all the heads of families, which the curate, if he had it, was not unwilling to furnish. Then all the men and women in every family, were interrogate upon oath, whether they heard their ordinary duly, what house or field-conventicles they had been at since Bothwell, &c. And then, according to their confession, they were fined *ad libitum*. Next, as to the time to come, the bond of regularity was put to them, and such as refused it were deeply fined, such as did not compear were declared fugitives, and quarterings were ordered, if the person had a house and lands, and in those quarterings the soldiers committed great barbarities. These courses brought a vast deal of money into the soldiers' hands, and forced many to hear the incumbents against their inclinations, and increased the aversion of the country to those men, who were more rigorous than the soldiers themselves."

To return again to the commissions granted by the council: upon the 6th of March, they grant a commission to Skene of Hallyards just in the terms of the act mentioned last year, and of the same nature with that given to Meldrum and White; and so I need not insert it here. It extends to the sheriffdoms of Stirling, Lanark, and Linlithgow, and the burghs within those shires.

Meldrum meanwhile was very busy in executing his commission within the limits appointed him. I have an attested account of his carriage in the parishes of Mid and West Calders in March this year. He and a great friend and servant of his, Thomas Kennoway, held courts. All the men in the parishes were summoned to appear under the penalty of five hundred pounds, which was severely exacted in case of absence. All who appeared were solemnly sworn to tell what they knew as to themselves and others. Then they were asked, if they were at Bothwell-bridge or Ayrsmoss, if they heard Mr Cargill since the year 1662, if they heard Mr Cameron or any other nonconformist ministers, or were at any field-conventicles, if they reset or conversed with any of the rebels, or had any of them or their children to be servants, or if they *had furnished any horse or arms* to Bothwell-rising, *if they had baptized any* of their children with presbyterian ministers, if they knew any who were rebels, and at Bothwell, or any who furnished them with horse, arms, or provision, or reset any of them. I have before me a list

of fines, uplifted at this time in those two parishes, too large to be insert here. Upon their refusal to answer upon those heads, or own guilt in points of nonconformity, some are fined in 333 pounds 13 shillings 4 pennies, others in 120 pounds, others in 100 merks.

March 20th, the council give a commission, in the terms of the former act, to James Crawford of Ardmillan, for the bailiary of Carrick, and insert instructions for him in the registers. They agree entirely with these to Meldrum, and major White above, save that the fifth and the seventh of these instructions are not given him, for what reasons I do not determine, so I need not resume here what is above.

March 27th, the council add the shire of Nairn to the commission formerly granted to captain M'Kenzie of Suddie, with full powers as aforesaid. I have before remarked that a few of these persons who had got good of the gospel preached by presbyterian ministers in those remote corners, remained and kept up their testimony against the removal of their faithful pastors, by refusing to join with the intruders upon their flocks; and the fewer they were, the more they were observed and harassed. We shall meet with the laird of Fowlis attacked by the council this year.

In April the king's letter comes down appointing circuit courts, and thanking the council for their former procedure; but I shall leave the account of those circuits in June, with the papers relative to them, to a section by itself.

June 1th, the council issue out a proclamation about pedagogues and chaplains. We find that it was an instruction to major White and the rest of them, to inquire where any unlicensed chaplains or pedagogues were to be found. Very probably they sent in many informations, since abundance of such were in the west and south. And it was a very good outgate to presbyterian ministers and preachers, to get into a religious gentleman or nobleman's house under such hardships as were at this time laid on them. However this was crime enough, now to have any such in a family, without the bishop's license. Accordingly the proclamation is annexed below.* The proclamation notices, that whereas notwithstanding of former laws, several not licensed by the bishop, are maintained for education of children, 1683.

* *Proclamation about pedagogues, June 4th,* 1683.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to macers or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, in the whole course of our government, we have manifested our pious and princely care, and zeal to maintain and promote the sacred interests of the established religion, together with the order and unity of the church; and considering the danger arising to the church, to religion, and to our government, by the undutiful practices of some of our subjects, in entertaining disaffected and irregular persons, in the offices of chaplains, pedagogues, and schoolmasters, who are apt to corrupt and poison the families wherein they serve, and the children whom they teach and instruct, with the principles of schism, sedition, and rebellion, instilling into the minds of our people, (under the specious colour of piety,) sinful prejudices against the settled religion, and begetting in them a disloyal aversion from our authority and government; notwithstanding that, by the fourth act of the second session of our first parliament, it is statuted, "That none be allowed to teach any schools, or to be pedagogues to children, or chaplains in any family, without a license from the respective ordinaries;" and that, by the sixth act of our third and current parliament, "All such pedagogues, schoolmasters, and chaplains, are appointed to swear and sign the test, under the certification therein contained:" as also, by our royal proclamation, of the date, at Edinburgh the first of March, 1676, we did require and command, "That none thereafter should entertain any schoolmaster, pedagogue, or chaplain, or person for performing family worship, who have not a license for that effect, under the hand of the bishop of the respective diocese, under the penalties therein expressed." And now being informed, that some, to elude the laws and proclamations foresaid, do entertain disaffected and irregular persons, for teaching their children, and overseeing of their learning, manners, and education, or exercising family worship in their houses, under other names and designations, as of physicians, factors, chamberlains, attendants, or ordinary servants, whose influence in corrupting the youth, and debauching of families from their duty to God, and to us, is most apparent, and of very pernicious consequence. We do therefore, with advice of our privy council, strictly prohibit and discharge all our subjects, of what quality soever, to entertain any person or persons, to be chaplains in their families, or to be governors, teachers, or instructors of their children, or pupils, or minors, under their tutory or curatory, or to be schoolmasters within their lands or jurisdictions, or who shall perform the duties and offices of teaching, and instructing their children, or pupils, or minors, under their tutory or curatory, by overseeing them in their learning, manners, and education, or who shall exercise religious worship in their families, or shall

1683. under other designations, as physicians, &c. The council discharges all to perform the offices of teaching and instructing children, or to do the work of pedagogues and chaplains, under other designations, except such as swear and subscribe the test before their ordinary, and have his license. Noblemen, if they contravene, to be fined in 3000 merks, gentlemen in 1200 merks, burgesses and others in 600 merks. I shall make no remarks upon this proclamation.

When the circuit is over, and they had carved out more work for the council, by remitting such as they had no probation against, and could not overtake, to be tried at Edinburgh, the council July 28th give a new commission to the underwritten persons to make inquiry about them, viz. To John Boyle of Kelburn, Ardmillan, Colonel Buchan and Captain Inglis, for Ayrshire, to Charles Maitland, governor of the Bass, Adam Urquhart of Meldrum, and Halyburton of Eagles, for East-Lothian, to Sir John Whitford of Millton, John Skene of Hallyards, and Captain William Clelland of Foscan, for Clydesdale, to Ezekiel Montgomery sheriff-depute of Renfrew, and Captain James Maitland, for the shire of Renfrew. The design and powers of these commissioners, will best appear from their commission: they run all the same way; and I have inserted that for the shire of Ayr.* Remarks upon this com-

perform the duties belonging to the places or offices of pedagogues or chaplains, under the names and designations foresaid, or under whatsoever other colour, name, title, or designation, except such only as shall swear and subscribe the test foresaid, before their respective ordinaries; and who shall be allowed by licenses, under the hands of their respective bishops, for performing and exercising of these offices; certifying all those who shall contemn, or contravene this our royal will and proclamation, that every nobleman, so offending, shall be fined in three thousand merks; every gentleman in twelve hundred merks; and each burgess, or other subject, in six hundred merks, *toties quoties*, as they shall be found guilty, conform to the certification contained in our said proclamation, dated the said first of March, 1676, and shall also be esteemed persons disaffected to the established religion, and to our royal government: and the magistrates of all burghs of royalty and regality, are discharged to permit any schoolmasters to teach scholars in their burghs, except they be qualified as aforesaid, under the penalty of being pursued and punished before the council, as their contempt and neglect shall deserve. And to the effect our royal will and pleasure in the premises, may be publicly known, our will is, and we charge you straitly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and thereat, in our name and authority, by open proclamation, make publication of the premises, that none pretend ignorance. The which to do we commit to you, conjunctly and severally, our full power, by these our letters, delivering them, by you duly execute, and indorsed again to the bearer.

Given under our signet at Holyrood-house, the fourth day of June, one thousand six hundred and eighty three, and of our reign the thirty fifth year.

Per actum Dominorum secreti Concilii.

Will. Paterson, Cl. secr. Concilii.

(God save the king.)

* *Commission for Ayrshire, July* 28, 1683.

The lords of his majesty's privy council considering, that several heritors, and others within the shire of Ayr, and jurisdictions within the same, are indicted before the justices for the crimes of high treason, and resetting of, and conversing with rebels; and the diets, from the several courts, being continued, from the justice-air that was to be held, to Edinburgh, in order to the delinquents their trial, and the witnesses ordained to attend, yet, through the witnesses' absence, the trials are delayed for some time. And the said lords having resolved, that the delinquents shall be brought to a speedy trial, have thought fit, hereby to give and grant full power and authority to John Boyl of Kelburn, James Crawford of Ardmillan, Lieutenant Colonel Buchan, and Captain John Inglis, or any two of them, to call before them such witnesses as are contained in the Porteous rolls against the delinquents of the said shire, and haill jurisdictions within the same, or any other witnesses that can be discovered for proving the crimes for which they are indicted, and to examine, or cause examine them, and the witnesses to sign their depositions, and if they cannot do it, to sign themselves for them; and, with all possible diligence, to return the same to his majesty's advocate, or the clerk of the justice-court; and, for that effect, to cause summon the said witnesses to compear before them; and in case of their absence, not only to amerciate them according to law, but to apprehend and incarcerate them, until they give all obedience; and, to that end, to affix and hold courts at such convenient places, as they think fit, and to create all members of court needful, except the clerk who is to be appointed by the clerk of the justice-court: with power likewise to the said commissioners, or any two of them, to inquire after any other persons, heritors as well as others, suspected guilty of rebellion, or reset of rebels, and who are not contained in the Porteous rolls, and to examine witness against them, and report the depositions in manner foresaid. And further, the said commissioners and their quorum are hereby authorized to make exact inquiry anent all persons, who maliciously slander, contemn, or vilify those, who, for evidencing their loyalty to his sacred majesty, and affection to the government, have taken the test, or otherwise given obedience to his majesty's laws, and to send in an exact list of their names and designations, and the probation, to his majesty's advocate, to the effect they may be proceeded against according to law. And the said commissioners are to give exact obedience herein, and to return frequent accounts, as aforesaid, as they will be answerable.

mission are needless. Every thing the managers do, proves a new handle to themselves for further harassing the country, and they are every month making new work for themselves; and every new commission they give contains some new oppressive clause, and all their commissioners are still empowered to make new discoveries. One would think, that after four years' work up and down the country, such as we have heard, and so many circuits and commissions, any body, but a set of people who delight in oppression, might have been at the bottom of the alleged rebellion; but it was their element to be continually finding out vexations to the poor country. And we shall find them just now seeking more occasions against poor people, and applying to the king for liberty to fall upon more extensive and general methods of reaching all who take not the test, and come not in wholly to their measures.

I find a letter of thanks from the king, read and recorded August 16th, where the reader will notice how acceptable these severe methods were to the bishops and clergy, and it seems the primate was the king's informer, and no doubt took a care that the new assurances of his majesty's good intentions to the clergy, and gratifying them in further prosecuting courses, should be insert. The letter follows.

"CHARLES R.

"HAVING lately received an account, from the lord archbishop of St Andrews, of your great zeal and prudence in managing the concerns of this church, whereof the happy effects are now very evident, we are therewith so well satisfied, that we cannot but return you our hearty thanks for the same, as most acceptable service done to us. And as we have upon all occasions been ready to give all due encouragement to the orthodox clergy in the faithful discharge of their duty, so it is still our will and pleasure you follow the same wholesome methods you have used for their support and protection, wherein you may rest fully assured, we will interpose our royal authority, if needful, for rendering such methods effectual, so, not doubting of the continuance of your zeal, we bid you heartily farewell."

By this letter and their success so much boasted of against the persecuted party, the managers are encouraged to make new demands upon the king, and crave a prolongation for taking the test, that so there might be further occasion to gain their ends up and down the country: this at first view may appear favourable to the sufferers, but it proved not so; for all that could comply with that oath were already come in, and by this proposal they had room to extend it to a great many whom by the act of parliament they could not reach, and to go on to their banishment and other severities. The best view of this matter will be had from the council's letter, the king's answer, and proclamation following thereupon. The council's letter bears the date August 21st, and contains some other things anent the modelling of the justices of the peace, but I insert the whole of it as it stands. 1683.

"May it please your majesty.

"By the 38th act of your majesty's first parliament, it is declared and appointed, that the justices of the peace within this your ancient kingdom, shall be from time to time named and apppointed by your majesty and your royal successors: and there being vacancies in several shires, by the death of several persons formerly appointed, it is our humble opinion, that your majesty will please to ratify and approve all the nominations of the justices of the peace in any of the shires of the kingdom, heretofore made by your council, and to empower them to nominate and appoint justices of the peace, in any of the shires of the kingdom, from time to time, as occasion shall offer, and as the council shall see need. Your majesty's late act of indemnity to the commoners who were engaged in the rebellion, and guilty of reset and intercommuning with rebels who were in the rebellion, having had great and good effects in reclaiming many to their duty and allegiance; yet several persons have lost the opportunity and benefit of the same, in neglecting to take the test before the first of August. And albeit such persons may be justly proceeded against before the criminal court, to the forfeiture of life and goods, yet seeing that neglect in some of them, might be occasioned through igno-

1683. rance or inadvertency, or want of frequent meetings of these appointed by your majesty's proclamation for administrating the test, and that the mitigation of deserved punishment is suitable to your majesty's great clemency, it is our humble opinion, your majesty may authorize your council to call before them such persons as they shall see cause, and, upon sufficient probation, to proceed against them by sentence of banishment, or transportation to some of your majesty's plantations, or continued imprisonment, as the circumstances of the person, or case shall deserve, if they or any of them shall make further delay in taking the test: and as to such who shall be desirous yet to take the test, that we, or these to be appointed by your majesty's council, be authorized to administer the same to them; though not to have the benefit of an indemnity, yet to stop and sist criminal process against them, to the end that such of them as your majesty's council shall think fit, may be convened before them, in order to the inflicting of lesser punishments, by fining or imprisonment, as they shall see cause. And in regard the taking the test is to be looked upon as a great evidence of loyalty and good principles in those who take the same, that your majesty would graciously be pleased to declare your royal will and pleasure, that all persons, whether heritors, or others, who have heretofore taken, or shall hereafter take the test, before the day of next, shall not be pursued before your council, justice-court, or any other court or judicatory whatsomever, for the crimes of harbouring, reset, intercommuning, or converse with, or doing favours to any rebels forfeited, or declared, or registrated at the horn, or other notour rebels, excepting those who are intercommuned, with the assassins of the late archbishop of St Andrews; and those likewise against whom there are any criminal processes already depending for the said crimes, who have already refused the test, and such who have withdrawn to other countries. And in respect that the daily calling up of witnesses to this place, doth occasion considerable charges to your majesty, we have commissioned several fit persons to examine witnesses in the country upon oath, in the case of such persons as are suspected of the rebellion, or guilty of reset and converse, as hath been before." The council conclude with asking his majesty's approbation. To this letter an answer comes from the king, which needs not be insert here at large, since it is just a resumption of the words of the above letter. He remits it to the council to choose justices of the peace, and grants power to administrate the test until the first of March ensuing, and orders strict prosecution of the refusers after that, and approves the commissions and instructions granted for taking delarations of witnesses. And next day, September 20th, the council emit a proclamation, continuing the diet for taking the test, until the first of March next, which being short I insert. "Forasmuch as it being represented unto us, that some of our commons have, through ignorance, or want of frequent meetings of those appointed by our late proclamation, for administrating the test, lost the benefit of our indemnity, and considering that the time formerly allowed unto them was very short, we have thought fit, as a further evidence of our clemency, with advice of our privy council, to continue the diet for their taking the test, until the first of March next, for indemnifying them for ever, as to their resetting and intercommuning with such as were in the rebellion 1679, excepting such as have reset and intercommuned with the assassins of the archbishop of St Andrews, or seditious field-preachers, or such who were any way accessory to the late conspiracy; requiring all sheriffs, magistrates, stewarts and others in office, strictly to search for, after the said day, and to punish with all rigour that our law will allow, all such as will refuse this our last offer of mercy. But if any are or shall be apprehended before their making application for obtaining this our favour, we declare they shall have no benefit thereof. And further, we declare, that the heritors who have taken the test at the late justice-airs, are thereby secured as to their lives, if they have only been guilty of reset and intercommuning: but yet nevertheless, they shall, after the first of November next, be liable to be convened before our privy

council, and to such arbitrary punishment as they shall think fit to appoint, according to the specialities of their cases and guilt: declaring hereby, that their sentences being inflicted by them, shall indemnify them as effectually as if they had a special pardon and remission from us under our great seal. And we do allow those intrusted by our privy council, to take the declarations of witnesses, against those who have been suspected of being in the late rebellion, or guilty of reset and intercommuning; providing always, that there be no process intented on these or any other declarations and depositions, until our advocate find sufficient matter of dittay therein. Our will is therefore, that these our letters, &c."

This proclamation gives new occasion of a general pressing of the test upon all suspect persons, and every clause in it almost secures the arbitrary power of the council and managers, and gives them plain enough footing to enrich themselves with the spoils of heritors and others; and the very taking of the test, secures only the lives of the heritors, but does not save them from council-processes. Thus this proclamation was a new handle for persecution.

There is not much further offers this year, upon the subject of this section, and it is high time to draw to an end of it. Among other infringements made at this time upon the law and the liberty of the subject, the royal burghs were very badly used through much of this period I am giving the history of; and their privileges, ratified in parliament many a time, were now enervated and overturned by the council at pleasure.

I only give one instance in the town of Linlithgow, one of the ancientest burghs in the kingdom: the magistrates were not so forward, as the clergy and some others inclined, to violent poor people; and therefore a commission is granted to the earl of Linlithgow by the council, with ampler powers, I may say, than the magistrates themselves had; and indeed his power did, upon the matter, vacate theirs. I shall give an account of this encroachment, as it stands in the registers. September 11th the council renew their commission, granted November 1682, to the earl of Linlithgow, because the provost and magistrates of Linlithgow have connived at and neglected persons guilty of disorders, and authorize the earl of Linlithgow, Lord Livingstone, and their deputes, to have a cumulative jurisdiction within the said burgh, for putting the laws in execution. When, in a little time, those people named by the council, were engrossing all the power belonging to the magistrates, and some debates arose about persons who had been attacked first by the magistrates, the council declare, September 25th, "That the lord Livingstone, as having a commission of cumulative jurisdiction, as likewise his deputes, have undoubted power to judge solely all persons, when they are the first attackers, and also such persons who have been judged and tried inadequately by the ordinary magistrate, or omitted to be judged by them, when the ordinary magistrate hath done first diligence." So that these commissioners of council were quite eversive of the power of the royal burghs. And to complete all, and take off the odium of this imposition upon the burgh, December 7th, "The council appoint the lord Livingstone provost of Linlithgow, in regard the former magistrates did not exercise their jurisdiction against ecclesiastical disorders, and that there are now wanting in that town a provost, bailie, and six counsellors; and the earl of Linlithgow and lord Livingstone, are appointed to proceed vigorously in the exercise of their commission." 1683.

That I may give all come to my hand anent the oppression of this town; by some extracts from their registers, I find, that in October 1681, the whole town-council took the test to advisement, only Alexander Miln provost, the earl of Linlithgow, and lord Livingstone counsellors, and James Glen bailie, took the test upon their knees; and it would seem this was the occasion of these methods afterwards taken. At Michaelmas 1683, provost Miln refusing to accept of being provost, the council appointed as above. And from this time to the revolution, the liberties of the burgh seem to be quite taken away. At least I find, September 18th, 1686, there is no election as usual, but a letter from the privy

1683. council produced, showing, that his majesty had prohibited all elections in royal burghs at this time, and authorized the present magistrates and council to continue in their office. And upon October 16th, that same year, a letter comes from the privy council, naming both magistrates and town-council, and the lord Livingstone is named provost. And September 22d, 1687, another letter is produced from the privy council, renewing the prohibition of any new election, conform, as they say, to a new letter from his majesty for this effect. Thus we see, that the foundations were laying for many years, under the duke of York's management, for the total subversion of our liberty and religion under his reign, which was very near to be fully accomplished, had not a signal providence brought about the happy revolution. And I do not question but the same methods were taken with other royal burghs through the kingdom, though the particulars are not come so fully to my hand as in this instance.

About the same time, to help on the execution of those commissions and oppressions I find the garrisons are filled again with soldiers. September 12th, the council recommend to general Dalziel, to order that company of foot, under the command of captain John Dalziel, and the company of dragoons now in Galloway, commanded by captain Strachan, to be placed in garrison in Dumfries, Ketloch, Earlston, Ballagan, Lockerbean, and the house of Monnigaff, or such of them as shall be found most convenient, and to continue till further order. Those effectually carried on the persecution, and were most severe against all nonconformists.

In November a commission is given to colonel John Buchan for Ayrshire, much in the terms of the act of council last year for commissions, inserted above. And November 29th, commissions are given to gentlemen in several shires in the south and east, to attack heritors who had not given satisfaction at the justiciary-courts, for their converse with rebels. Their commission follows. "The lords of his majesty's privy council considering, that several heritors and others within the shires of Roxburgh, Selkirk, Peebles, Berwick, Stirling, and stewartries of Kirkcudbright and Annandale, and jurisdiction within the same precincts, were indicted before the justices for crimes of high treason, and reset and converse with rebels; and the diets from the several circuit courts, being continued from the places where the justiciaries were held, to Edinburgh, in order to the delinquents their trial, and the witnesses ordained to attend, yet, through the witnesses' absence the trials are delayed. The said lords having resolved, that the delinquents shall be brought to a speedy trial, have thought fit to give and grant full power to the persons underwritten, in their respective jurisdictions, *viz.* for the shires of Roxburgh, Peebles, Selkirk, and Berwick, to the sheriffs of the respective shires, Mr Charles Holm, Adam Urquhart of Meldrum, ——— Riddel of Hayning, Henry Ker of Gredin, or any two of them. For the shire of Stirling, to the sheriff of Stirling, Mr Archibald Stuart lieutenant-governor of Stirling castle, Mr Colin Mackenzie brother to the earl of Seaforth, and John Erskine ensign of the said castle. For the shire of Dumfries, and stewartry of Kirkcudbright and Annandale, to the respective sheriff-deputes and stewarts, captain Inglis and captain Dalziel, and the laird of Lagg, to call before them, &c. as in the commission.

Thus we see how active the council were this year in granting powers, and the commissioners and soldiers were no less vigorous on their part. There were no field-conventicles now till Mr Renwick came from Holland, and the few house-conventicles were severely searched after, and punished. Accordingly, the magistrates of Edinburgh, December 19th, emit an act of theirs against conventicles, wherein they promise sixty pounds to such as discover any conventicles, and twelve pounds to such as discover any person who keeps not the church. The act is singular, and I have insert it.* How

**Act Magistrates of Edinburgh against conventicles, Dec. 19th. 1683.*

The which day, forasmuch as the lord provost, bailies and council of Edinburgh, taking in their serious consideration, how zealous and careful his sacred majesty hath been since his happy restoration, for suppressing all conventi-

far they were followed at Glasgow and other burghs I do not know, but it is probable others took the same way. I come now to more particular instances of hardships this year.

SECT. II.

Of the sufferings of some particular gentlemen, ministers, and others, this year 1683.

As I have done in some of the former years, so here it is proper to distinguish between these who suffered only in their liberty and goods before the council, and such who suffered in their life, or at least were staged for their lives before the justiciary. I shall leave the last to the following section, and here give some account of the hardships some ladies, gentlemen, ministers, and others, came under this year, just in the order of time as they offer; many of which I shall give from the books of council. But I must observe here, that this year the council is so throng, that a great many of the particular persons before them, unless it be people of some rank, are remitted to the committee for public affairs, and they are approven next day upon their verbal report, at least their proceedings are but very rarely inserted in the council-register; and this, as it makes some accounts of persons before the council shorter and darker, so it altogether deprives me of a good many narratives of worthy persons brought to no small trouble at this time. 1683.

January 4th the reverend Mr Michael Potter is before the council, and they send him to the Bass. This excellent person was after the revolution *minister* at Dumblain, and died there lately in a good old age, after all his sore sufferings. It is only a short hint about him I meet with in the registers, and therefore I shall here insert a larger account of the troubles he underwent in this period, from a narrative sent me from his worthy son minister at Kippen.

cles, unwarrantable meetings, and conventions of his subjects, within this kingdom, by several laudable laws and acts of parliament made against the same: and also, that by the seventeenth act of the third session of his majesty's second parliament, it is expressly statute and ordained "That all magistrates of burghs royal shall call before them, all such as are burgesses, as shall be guilty of keeping conventicles, and proceed against them by fining, or otherwise, according to law, and that they make an account of their diligence to his majesty's privy council, and that they be careful in putting their acts to due execution against the keepers of conventicles, conform to the trust and power committed to them, and that an account of their proceedings be returned yearly to his majesty's privy council, upon the first day of July, under the pain of 500 merks, for each year's failie." They therefore, being sensible of the duty and trust committed to them by his majesty and estates of parliament, and that it is absolutely necessary for his majesty's service, and for the peaceable and quiet government of the good town, and that all effectual means be taken for suppressing of conventicles within the city and privileges thereof, which tends so much to the prejudice of the public worship of God, to the scandal of the reformed religion, and is the reproach of his majesty's authority and government; and also, that the slow progress hitherto made, in discovering and suppressing of conventicles, unlawful baptisms and marriages, and entertaining of intercommuned and vagrant persons, did proceed from this, that there was no due encouragement or reward promised and allowed to such persons as should discover any conventicles, or unwarrantable meetings within this city and privileges thereof, do therefore unanimously statute or ordain, that any person who shall discover any conventicle that shall be kept within the said city or privileges thereof, or unlawful baptisms and marriages, and entertaining of intercommuned and vagrant persons, to any of the magistrates within the same, so that the said conventicle be actually attacked, and seized upon, and found in the place discovered, and that the said unlawful baptisms and marriages, and the entertaining of intercommuned and vagrant persons, be instructed, the said persons discoverers shall have, for their reward, for each conventicle, unlawful baptism, or marriage, or the entertaining of any intercommuned and vagrant person that shall happen to be discovered, the sum of threescore pounds Scots money: and whosoever shall discover any persons, whose residence is in the country, that come to the city to lurk, and absent themselves from their own parish churches, and withdraw from the public worship in the city, shall have, for each person, twelve pounds for their pains: and in regard that the lord provost, bailies, &c. intend a vigorous execution of his majesty's good laws, against separation and withdrawing from the established public worship, they do hereby require all the citizens, and other inhabitants whatsoever in the said burgh and jurisdictions thereof, duly to attend the public ordinances and worship; certifying all such as shall absent themselves, or withdraw therefrom, that they shall be impartially fined according to law. And for encouragement of these who shall delate any person so withdrawing, who are not contained in the lists given up to the magistrates by persons authorized for that effect, shall have six pounds Scots instantly paid unto him, providing always the person or persons, so declared, be convicted guilty of withdrawing, as aforesaid. And ordain this present act to be proclaimed in the city by tuck of drum, and printed, that none pretend ignorance.

(God save the king.)

1683. The episcopal clergy did early discover their persecuting spirit against him. In the year 1664, when governor to the laird of Dundas his children, the presbytery of Linlithgow caused summon him once and again before them, because he had not taken the oath of allegiance. And it appears by extracts from their presbytery-registers, that in the year 1665, he was summoned again before them, because he did not attend the meetings of their presbytery. He passed his trials 1673, before some presbyterian ministers, and some time thereafter he was privately ordained, upon a call from a great body of people of the presbyterian persuasion in the parish of St Ninians. Upon this a sore persecution arose against him, at the instigation of bishop Ramsay of Dumblain, and he was hunted as a partridge in the wilderness; but he still continued preaching as he could have access, till the year 1677, when scarce finding shelter any where, he went over to Holland for some months. When he returned the storm broke out against him with double fury; yet having obtained help of the Lord, he continued preaching in the midst of hazard, till the beginning of the year 1679, and then he again retired to Holland. When he returned next year, fresh orders were issued out against him, and parties went daily in quest of him, yet he was still preserved from their hands, till November 1681. He was apprehended at his own house in Borrowstonness, by the laird of Bedlormie governor of Blackness, and carried prisoner to Edinburgh, where he continued prisoner a good while. Nothing could be laid to his charge save his preaching the gospel, and fulfilling the ministry he received from Christ Jesus. By the registers I find him before the council, January 4th this year, where he acknowledged he had kept house-conventicles, and refused to engage to forbear preaching the gospel in time to come, and thereupon the council send him to the Bass, where he continued two years. In the year 1685, his friends prevailed to get his confinement in the Bass altered into an act of banishment, under caution of ten thousand merks not to return without license. He had three months allowed him to prepare for his removal. At that juncture the earl of Argyle landed, and an embargo was laid on all ships, and he could not get off. Thus his going again to Holland was prevented, and by the advice of his cautioners he continued as secretly as he could, till the liberty 1687.

That same day, January 4th, John Row, chamberlain to Sir William Primrose of Carring, being delated for frequenting many conventicles, and not compearing, is denounced and put to the horn. And because, as the register has it, he is notour in his disorders, and a debaucher of people from their duty, the council recommend it to the general to bring him in prisoner, and to send out a party in quest of him, and if they miss him, that they secure his goods for the king's use

January 27th, Sir John Harper, sheriff-depute of Lanark, is imprisoned in the castle of Edinburgh, upon suspicion of treason, that is, correspondence with some of the persecuted party. I know no more about it, but what offers in the registers. It seems he continued in prison till April 6th, when no proof could be found against him, and then I find the council-minute run, "Sir John Harper of Cambusnethan, prisoner in the castle of Edinburgh for corresponding with several intercommuned persons, who were in the late rebellion, upon his petition to be liberate, his petition is granted under a bond of ten thousand pounds sterling, to answer when called, to the premises, or any other crime laid to his charge." This gentleman, for any thing I hear, was abundantly regular, only was not so violent in prosecuting the poor suffering people, as some persons would have had him.

The council write up a letter to the secretary, that a remission may be sent down to Thomas Cunningham of Montgrenan, in the shire of Ayr. This gentleman had been seized by Ardmillan, a little after Bothwell; and if his declaration may bear weight, vile methods were taken with him, to witness against the lord Bargeny, duke Hamilton, and others. By the registers, December 4th, 1679, I find a letter from the king to the council, declaring, "That Ardmillan's diligence in taking Montgrenan is very acceptable, and he will reward it. And Ardmillan having delivered him

to be examined by the privy council, the king exoners the said Ardmillan, and approves his taking of Montgrenan, and keeping him prisoner in his house." I know no further in this affair, save what is in Montgrenan's declaration before the council, August 13th, 1681, which hath been more than once printed, and contains in substance, "That Ardmillan used various ways to bring him to accuse my lord Bargeny, as having corresponded with Cunningham of Bedlane, was at Bothwell, and of a letter to Mr John Welsh, with one from duke Hamilton inclosed in my lord Bargeny's, inciting them to that rising. And after he was instructed what to say, and how to support it, he come before the earl of Murray, lord Halton, and others, and declared, as Ardmillan instructed him, that he had offers of his own life and estate, the gift of a forfeited estate worth forty pounds sterling a year, or as much out of Earlston's estate, if he would himself swear and get his servant to join; that my lord Bargeny sent the above letter with one from duke Hamilton to Mr Welsh, while in the meantime all this was absolute untruth, and he had never spoken to Bargeny, nor seen his writ; for which he declares his hearty sorrow," as the paper itself more fully bears. For any thing I know, Montgrenan continued in prison till this year, and got a remission.

Upon the 31st of the same month, I find some gentlemen and ministers attacked. The council order citation against the cautioners of Stuart of Cultness, Hamilton of Monkland, Mr John Osborne, and Mr Hugh Crawford, to exhibit them conform to their bond. We have heard, that worthy gentleman Sir Thomas Stuart of Cultness took on him a voluntary banishment, and now the managers resolve to have his estate. We shall meet with the laird of Monkland afterwards. As to the other two, I have no more about them, save a hint just now to be insert as to Mr Osburn.

About the same time, the reverend Mr John M'Gilligen is sent to the Bass, and a new train of his sufferings begins, and I shall here give all I have further concerning this excellent person. We left him liberate after Bothwell upon a bond, wherein Sir Hugh Campbell of Calder was cautioner. Towards the end of the last year he was cited before the council, and appeared at this time. I shall give what passed from a narrative extracted out of his own diary, in his worthy son's hands. When before the council, there was a long libel read by the clerk, wherein he was charged with keeping conventicles, irregular marriages and baptisms; and being desired to answer for himself, he began a discourse, but was very soon interrupted. The reason, as he was afterwards informed, was, that the worthy Mr Frazer of Brae, some time before, in the presence of the duke of York and council, had borne testimony to the truth in a discourse, with so much advantage to the cause, and applause to himself, that the prelates and their party were afraid, if Mr M'Gilligen and others of his abilities should be allowed to speak publicly, bystanders would be undeceived, and even members would see ground to lay by their harsh thoughts of presbyterian ministers, and the aspersions of their want of parts, disloyalty, and tenaciousness, would be found to be like the beasts' skins, wherein the primitive Christians were sewed up, that they might be worried. The council having stopped him, required him to answer simply to the libel, either by owning or disowning what was therein contained, and because they had no probation, remitted it to his oath. A great many falsehoods were in the indictment, such as his keeping field-conventicles, his baptizing children to David Monro in Obsdale, and others who never had any; yet he observed many truths in it, such as his baptizing, preaching, (though not at field-conventicles, whereof there was no need in the shire of Ross,) and finding no man obliged to accuse himself in matters which the law had made criminal, he refused to depone on that libel, and so was holden as confessed, and fined in five thousand merks, and sent to the tolbooth till he should pay it, and find bail that he should not do as formerly, under the penalty of five thousand merks, or enact himself to remove out of the kingdom, never to return till he obtain his majesty's license. And the cash- 1683.

1683. keeper was ordered to raise an adjudication against his lands in Ross. And yet some high-fliers, who were absent from the council that meeting, thought their measures were too smooth against Mr M'Gilligen, and attempted a sentence of another nature, under which view Sir William Paterson was sent to the prison, to examine any prisoners who heard Mr M'Gilligen preach, and were acquainted with him, and to expiscate any thing in public or private he had let fall, which might be reckoned or stretched to treason; yea, liberty was promised to such as would testify any thing of that nature. But after all the trial he could make, Sir William had the candour to show his employers, that Mr M'Gilligen was entirely loyal in his principles, and that upon all public occasions he still prayed most fervently for the king.

He continued some time in Edinburgh prison, and was a true Barnabas, the son of consolation to many there, yea, the jailors themselves appeared grieved when he was removed to the Bass, where he continued some years, I think till the year 1686.

His diary, of which I have but short hints sent me, by which, if I might be allowed to judge, the church appears at a loss that more of it is not published, discovers many sweet days of communion with his Master, he had in that barren rock. During his former imprisonment, in the year 1678, he records great enlargement he had in wrestling and prayer. The pious reader will make a hint or two, under his second confinement, welcome, in his own words.

"Bass, October 15th, 1683, this hath been a day of gladness of heart to me, the Lord was pleased to let out abundantly of his Holy Spirit, convincing of sin, confirming me in the assurance of pardon, comforting me in the hopes of mercy, and deliverance to myself and family, and to his oppressed people and interest.

"Bass, October 19th, the felt joy and sense of the former day hath continued since with me, my soul dwelt at ease without any burden or weight. This day was a brother and friend to the former, wherein the lord did communicate himself by enlarging my heart, melting my spirit, and breathing upon me with a full gale. My graces were in exercise, his faith and hope, and meekness of spirit acted their parts. My heart with cheerfulness said unto the Lord, thou art my holy one, my only one, my fair and pleasant one; thy overcoming love hath mastered me. My hope and expectation of deliverance for myself and others was confirmed, 'in the mount of the Lord it shall be seen.' This top of the rock was to me a Peniel, where the Lord's face in some measure was seen."

"Bass, November—1683, this was a day of sweet outpouring of the Spirit, I hope good will follow. Many sweet and apposite places of scripture, both in reading and prayer, was I trysted with, concerning myself, children, the people and work of God, and enemies. The daughter of Babylon will come down and sit in the dust, there will be no throne for her. Her nakedness will be uncovered, vengeance will overtake her, he will not meet her as a man. She trusts in her wickedness, desolation will suddenly come upon her; but the Lord will place salvation in Zion for Israel his glory.

"Bass, September 23d, 1684, this day I got my heart poured out before the Lord, for the distress, destruction, and desolation of the land, and for the ruin and overthrow of his interest. The Lord will have mercy and heal, recover his own glory, reform his church, restore his ordinances, purge his servants, and cause sacrifice to be offered in righteousness to himself. The Lord will send the rod of his strength out of Zion, he will rule in the midst of his enemies, he hath drunk of the brook in the way, and therefore hath lift up his head, and is exalted far above all principalities and powers. He will strike with his right hand, and with it bring back the ark and the glory, and cause the days of joy and gladness to be according to the days of sorrow and sadness we have seen."

Such were the comforts, the hopes, expectations and exercises of this saint of God upon whom the Spirit of God and glory rested. Multitudes of passages might be added, but these may suffice to let us in to see, that the church of Christ, and in the

land in particular, is in the debt of these worthy sufferers I am doing some justice to in this work, not only for their testimony to the common faith and truth, not only for their pattern and example, but, which is less observed, for the many suits and prayers they tabled, and left in the bank of heaven. And I make no question but the revolution, and the wonderful providences since, and the good done by this gospel, and to be done, are in part the fruits of the many days of prayer, wrestling, solitary fastings, yea, of secret thanksgiving and praise, by the persons I am now accounting for, in prisons, in rocks, irons, mountains and their hidings and wanderings.

But to return. While Mr M'Gilligen is thus employed, and in the Bass, summons of adjudication was raised against the small interest he had in Bass, 24 bolls of rent for his fine. This obliged his wife to come south, and petition the privy council. She represented, "he was the only minister of the kingdom whose fine had been exacted, that she had a numerous family, and little to maintain them, that the affairs of her family were exceedingly impaired by the long imprisonment of her husband; and that therefore, out of compassion, they would put a stop to the summons." The lords, by the interest of the laird of Tarbet, since earl of Cromarty, who had a great regard for Mr M'Gilligen, recommended her case to the lord treasurer, and a stop was put to the fine,

Mr M'Gilligen continued in the Bass, until he fell dangerously sick, whereupon he petitioned for liberty to come to a chamber in Edinburgh, till he should recover; which was granted by the interest of the forementioned person. Afterwards they were applied to for liberating him from his confinement, which was granted: but that day the council was in such a hurry that the act was not subscribed; whereupon a second petition was offered, and bishop Paterson being that day president of the committee, all that could be obtained was the following act. "At Edinburgh, July 27th, 1686, the lords of the committee of his majesty's privy council for public affairs, having considered an address made by Mr John M'Gilligen prisoner, confined in his chamber at Edinburgh, supplicating, that in regard a former order of council for his liberation had not taken effect, and that he still continues under great sickness, orders might be granted for his liberty, do hereby take off the said restraint and confinement, in regard he has found caution to appear before the council, the first council day in November, or to enter again to his confinement as formerly, under the penalty of 5000 merks. Extracted, &c." Upon this he ventured home, to the unspeakable joy of his old hearers, who flocked to him from all corners. And his sore gravel continuing with him, upon a declaration of physicians, his liberty was enlarged to another day, and before that day elapsed, the king's liberty 1687, was granted. During that time, a meeting-house was built on his own ground, and his hearers gave him a competent maintenance. He had an invitation to the town of Elgin at this time, but refused it. At the revolution he was invited to Inverness, and with the consent of his people, and, that he might have the benefit of physicians, he went thither, and preached a little, but his gravel increasing, he was confined to his bed, and was under full assurance of faith, but in his dying hours spoke but little, having been so publicly useful in his life, and entered into the joy of his Lord June 8th, 1689, and was buried there, the war then remaining in the country he could not be transported to Alves. 1683.

Thus he got cleanly off the stage. He was the only minister in the province of Ross, who at the first assault opposed himself to prelacy. Mr Hogg of Kiltairn was of the same sentiments with him, but had been laid aside some time before, and Mr Thomas Ross, minister at Kincardin, having continued at his charge some time after the establishment of prelacy, owed his leaving them to a meeting with Mr M'Gilligen: and Mr Hugh Anderson kept his kirk at Cromarty for some years before he broke off. In short, it was in Mr M'Gilligen's house at his last releasement, that that worthy man Mr Angus M'Bean, formerly episcopal minister at Inverness, did preach his recantation sermon to a numerous and splendid auditory, from Job xxxiv. 31, 32. "Surely

1683. it is meet to be said to God, I have borne chastisement, I will not offend any more. That which I see not, teach thou me; if I have done iniquity, I will do so no more." This is all the account I can give of this excellent man.

February 8th John Hamilton of Gilkerscleugh is fined by the council in 2000 merks, for his lady's being present at house-conventicles, though nothing was to be laid to the gentleman's charge. Only, it seems, in a former process raised against her, he had become caution for her good behaviour.* Upon the 12th of the same month, the council deprive that known great man, Sir John Dalrymple of Stair, of his bailiary of the regality of Glenluce, and fine him in 500 pounds sterling, and order him to the castle of Edinburgh till he pay it. This act is made upon a complaint tabled against him by Claverhouse, but the reasons of the act and the complaint are not recorded. And next council day, Mr John Osburn, late minister at Kirkoswall, appears before the council, and is libelled for keeping house-conventicles. He acknowledges his preaching in houses; and the council allow him his choice, either immediately to remove off the kingdom, or to enact himself not to keep conventicles under the pain of 5000 merks, and he chooses the last.

This month of February the sufferings of John Archer, formerly mentioned, begin afresh. We left him lurking, his children ill, and he scarce having the liberty of seeing them. I now come to give what further relates to him. Before his children fully recovered, he himself at this time fell ill of the gravel, and when in this case, and unable to flee, a party of Balcarras' troop came and made him prisoner. After they had searched the house for arms, and found none, one of the soldiers said to John, "I think it strange that you who seem to be a sober peaceable man, put yourself and us to so much trouble, and all for not hearing the present ministers," adding, that he could have peace and quiet to hear a jesuit for some little time. Mr Archer with his usual modesty replied, "I know not what it is to you, but to me this is matter of conscience." When they were leaving the house, the soldiers were not for carrying away John Archer's wife and the sickly children, but only himself; but the messenger who came with the party, one Wylie, was positive to have the mother likewise to prison, and she could not leave the children behind her, having nobody to look after them. When he insisted on it, one of the dragoons said to him in his rough way, "The devil ding your back in two, Sir, have you a coach and six horses for her and the children?" The other answered with cursing, "If she should be trailed on a sledge, she should go;" which was the fellow's ordinary by-word, when taking honest people to prison, and very soon came to be his own case. Some time after, Wylie having taken a gentleman prisoner, went with him to a public house near by, in Clunie in the parish of Kinglassie, to see the civil business on which he was apprehended accommodated with the parties concerned. When they were not like to agree the matter, Wylie threatened him, and made a great sputter, and among other expressions had this, "The devil take me, if I carry him not to the tolbooth of Cowpar this night." The gentleman's servant, a young hardy fellow, told him very roundly, he should not take his master there; whereupon the other gave him a blow: the servant runs strait to a smith's shop near by, and getting a cut of iron, made at Wylie, and a scuffle ensued wherein Wylie's back was broken, and they were obliged to get two sledges, tie them together, and lay him across them, and carry him to his own house not far off, where in a little time he died. This retribution both of persecution and profane swearing, I have well attested by living witnesses, otherwise I had not insert it so particularly.

To return, Mr Archer, his wife, and five small children, the eldest not ten years of age, were carried to Kirkaldy prison. Next day, the provost of the town hearing of

* Mrs Hamilton was the sixth daughter of James Hamilton of West-port. Her husband was the representative of the ancient and once powerful family of Fynnart; and also of the family of Evandale, whose banner he carried as one of the chief mourners at the funeral of the duke of Rolles, lord high chancellor of Scotland, Aug. 23d, 1681. Anderson's Hamiltons, page 288.—*Ed.*

this severity, liberate the mother and the infants; yet not till caution was found, by two sponsible persons, she should present herself to the sheriff when called, under the penalty of 2000 merks.

John Archer lay in prison about three weeks, and then was carried into the tolbooth of Edinburgh or Canongate, and was next day brought before a committee of council, where nothing could be laid to his charge but mere nonconformity. In a day or two he was brought to the council-house, and though the council was sitting, yet without any further examination, or any ground given, he was sent to the iron-house in the tolbooth of Edinburgh, and laid in the irons seventeen days. This severity he was surprised at, being without libel or sentence intimate to him; and when he caused his friends inquire into it, no reason could be found, but his not giving bishop Burnet his titles, who was preses of the committee. He continued in prison full five months, after he was, through *moyen* used by his friends, liberate from the irons; after this he was, without any condition, liberate, by means of a south country gentleman, whom he had no acquaintance of; but it seems he was one who had a great value for Mr Archer's brother, Mr Thomas Archer, whom we shall just now meet with. After this, this good man had some respite, and set up to follow his trade at Leslie; but in a few months his persecution began again, and for a whole winter, he lay but two nights at his own house. Sometimes in the night he would come to his house, and work a little at his employment, the making of candles, and earn somewhat for his family, but in the morning he behoved to retire, and hide himself. Thus he continued till the rigour of the persecution slackened.

March 8th, I find a process intented before the council, against Andrew Herron of Kerrochtree, mentioned before. No more offers to me but what is in the registers; and, by comparing what is above with this I am going to insert, it seems, that when intercession had been made in his very favourable case, for a remission as to his life and estate, the managers wanted a fine from him before he is dismissed. Accordingly "Andrew Herron of Kerrochtree in Galloway, compears, 1683. and is libelled for being at house and field-conventicles, and intercommuning with, and resetting his son Patrick Herron, a ring-leader at Bothwell-bridge, and his son-in-law, who had been likewise there. The lords of his majesty's privy council fine him in 5000 merks, and appoint him to lie in prison till he pay it. And March 17th, the cash-keeper reports he has paid his fine."

Upon the 15th of the same month, Mr John Philip, late episcopal minister of Queensferry, turned out for refusing the test, appears before the council. He is libelled, "That in February last, publicly in the parliament-house, he asserted, that the duke of Albany was a bloody man, and a great tyrant, and was distasteful to the subjects; that the king's advocate and bishop of Edinburgh were bloody and cruel men, and he hoped ere long to see them suffer for it; as also, that the earl of Argyle was unjustly forfeited, and that there was no law for forfeiting him. By all which, the said Mr Philip hath most maliciously endeavoured to raise fears and jealousies in the minds of his majesty's subjects." Witnesses were adduced to prove the facts, and the lords of council fine the defender in 2000 pounds sterling, and ordain him to be carried to the prison of the Bass, during his life; and declare if he do not pay the said sum, within the space of fifteen days, that they hereby ordain the advocate to pursue him before the justices for his life. I know no more about him, but next council-day, Hugh Wallace cash-keeper gets an order to seize all his books and papers.

March 22d, "The council being informed, that the lady Caldwell and her daughter are imprisoned for keeping of conventicles, they ordain them to be transported to Blackness." And December 6th this year, the council have a petition presented from Jean Muir daughter to the late laird of Caldwell, craving, "That liberty may be granted her to abide out of the castle of Blackness, till the first Tuesday of February next." Her petition is granted upon caution, under the penalty of 1000 merks, that she shall enter Black-

1683. ness that day, or appear before the council.

This is what I have observed in the registers, relative to these two excellent gentlemen; but I have a further account of the sufferings of that singularly religious gentlewoman, the lady Caldwell, from a person of honour, and a near relation of that worthy family, which comes in properly here, though it be but a very small part of the hardships this pious lady and her family underwent. We have already heard, how her husband, the laird of Caldwell, was forfeited in absence, as being accessory to the rising at Pentland, though might he have adventured to appear, he could easily, before equal judges, have vindicated himself; but the open iniquity of the times made him rather abscond, and so sentence passed, and his lands were given to general Dalziel. This honourable and excellent gentleman died in exile under this unjust sentence, and left his lady and four orphans, with no subsistence suitable to their quality. The lady, whose sufferings began at this time, was Barbara Cunningham, daughter to that singularly religious gentleman, Sir William Cunningham of Cunninghamhead, in the shire of Ayr. She had a dowry allotted her out of the lands of Caldwell, suited to her rank; but having unhappily neglected to take infeftment before the forfeiture, she was most cruelly, with her four children, turned out of her right, and forced to live without any visible maintenance, except what her own and her virtuous children's industry procured, and yet none of them were ever troublesome to any. When she was living peaceably in her widowhood at Glasgow in the beginning of this year, she fell under a piece of most malicious violence and unjust persecution. The circumstances of her lodgings must be narrated, to make the story intelligible. Her house was upon the east side of the Saltmarket, towards the foot of it, in a timber fore-land, with windows called shots, or shutters of timber, and a few inches of glass above them. One night, as the provost and bishop tell the story, a person in a house opposite, on the west side of the street, pretended to see, through the breadth of the street, and the few inches of glass in the lady Caldwell's lodgings, a minister preaching there. Whereupon the informer went straight to provost Barns, a zealous persecutor of presbyterians, to please his patron the archbishop. The provost immediately, upon the lame and seemingly false information, sends for and causes imprison the lady, with three young gentlewomen her daughters, in the tolbooth of Glasgow, without any probation or conviction of a fault, and only upon the single information of the abovesaid person, which might have been justly suspected of malice and falsehood, since the matter of fact above narrated was next to impossible, and the lady still denied it, though she neither did nor would refuse she had presbyterian ministers in her family, and sometimes preaching, yet not at that time. However, such was the fury of this period, in persecuting innocent people, merely for conscience sake, that when notice was given, probably by the archbishop, to the council, as we have seen, they not only approved this illegal procedure, but ordered the lady and her eldest daughter, Mrs Jean Muir, to be brought prisoners under a strong guard to Blackness, without any proof save the improbable surmise of a single person: yea, though there had been a full probation, sure there was no law to make the young lady her daughter, scarce twenty years, liable to such barbarous treatment. She was indeed in her mother's house, but even the then laws required it should have been made evident, that, supposing a minister had preached, there were five persons more present than the family, which was never so much as pretended. The law had not prohibited family-worship, and the lawgivers openly connived at popish masses in families; but prelatic fury vents itself almost only against presbyterians, and others are safe. This treatment of the lady Caldwell and her daughter, was not only illegal, but really inhuman and tyrannical. They had left them nothing else to live upon, but what they wrought for with their hands, and no crime could be advanced against them, but "That, after the way now called heresy, they worshipped the God of their fathers."

At Blackness they remained in close prison for near a year's time, save that the

governor sometimes permitted them, at his peril, to visit his lady, whose chamber was just below theirs. When, by this close confinement, the young gentlewoman's health was much impaired, application was made to the council, for at least her liberation. After much pains, and not a little money given to some persons, Mrs Jean, as we have seen, was liberate, and, as a mighty favour, her mother allowed to go up by some steps to the head of the castle to take the air now and then. While the lady remains thus a prisoner, her cousin-german, Mr Sandilands of Hilderston, living at Linlithgow, fell ill of a fever; her two eldest daughters went to see him, and in a few hours her second daughter Mrs Ann sickened, and fell ill of the fever, which at length carried her off. The council was petitioned for liberty to the lady to come out of Blackness a few miles, to see her daughter now dying, yea, she offered to take a guard with her, yea, to maintain the whole garrison as a guard, if they pleased, while she was doing her last duty to her dying child; yet such was the unnatural cruelty of this time, that so reasonable a request could not be granted.* Thus this excellent lady never saw her daughter, and continued prisoner several years, unconvict of any crime, and never accused but by one witness. The advocates of this reign may try their skill in vindicating such procedure as this. At length, when king James, in order to advance his popish designs and arbitrary government, thought fit to assume a dispensing power, and a pretended kindness to protestant dissenters, the lady Caldwell was voluntarily dismissed, without any petition for her liberation. 1683.

Another instance pretty near, though not so cruel, offers in the case of the lady Kaitloch, who met with very extraordinary hardships. Informations before me bear, that it was this year she was forced from her house; and, it may be, it was toward the end of it, when, we have heard, garrisons were appointed for the south. Her husband had been forfeited, and yet she and her children got liberty, for some years, to stay in her own house, in the parish of Glencairn in Nithsdale: but now a garrison comes and possesses the house of Kaitloch, and most

* In the second volume an account was given of the trial and forfeiture of Mr Muir of Caldwell, as accessory to the rising at Pentland. It appears that his lady actually was infefted in the estate prior to the forfeiture, but as her jointure extended over part of the estate which was held of the earl of Eglinton, and her infeftment had not been confirmed by her husband's superior, it failed to become a public right. The court found that by the forfeiture of a sub-vassal, not only his own right, but all rights flowing from him, were carried by the forfeiture. The case between lady Caldwell and general Dalziel is to be found in Morison's Dictionary, p. 4690. The account of the sufferings of this excellent lady was written by her brother, Sir William Cunningham of Cunninghamhead, and is preserved in MS. among the Wodrow MSS. in the advocates' library. If published by itself, with historical and critical illustrations, it would prove a very interesting document. Mrs Muir's cousin, (Sandilands of Hilderston) whom her daughters went to visit at Linlithgow, was the son of William Sandilands, brother of the fourth lord Torphichen, tutor to his nephew John, fifth lord Torphichen, and commonly styled 'Tutor of Calder.' He married the second daughter of Cunningham of Cunninghamhead. They were both distinguished for their attachment to the principles of the presbyterian church of Scotland, and their mansion-house at Hilderston was often the hospitable resort of the persecuted covenanters. There Mr Blackadder and others often held conventicles, and heavy fines were on that account imposed upon the family, (Blackadder's Memoirs, and the first and second volumes of his History,) Walter Sandilands, Mrs Muir's cousin, married the heiress of Westport, and assumed the name and arms of Hamilton of Westport. He retained the same attachment to protestant and presbyterian principles which had characterised the family, from the days of their illustrious ancestor Sir James Sandilands, the friend and patron of John Knox. He was my maternal great-great-grandfather, and this ancient branch of the Sandilands' family is now represented by my cousin-german, colonel Ferrier Hamilton of Westport. (See Wood's Peerage, vol. II. p. 594.) It is worthy of remark, that after the revolution, the court of session seems to have imbibed the liberal feelings of the times, for lady Caldwell and the heiress of Caldwell having brought an action against the representative of general Dalziel, for his intromissions under the forfeiture, the court found him liable, not only for the whole intromissions with the rents of the estate, but even for omissions. (Morison, p. 4756. Dec. 7th, 1705.) Some of the judges thought the restitution of bygones very hard, but the answer was, '*durum est, sed ita lex scripta est.*' This question was however brought before the Scotch parliament, when the decision was altered, and in consequence of several specialties in the case, the representative of the donator was found not liable for the bygone rents of the estate preceding Martinmas, 1688. Acts of the Scotch parliament, vol. II. App. p. 104.—*Ed.*

1683. unmercifully turn her and her small family to the fields; and it was reckoned a favour done them that they were suffered to lodge in a cold barn. This pious lady with her children, went through many inexpressible hardships, and at length was obliged with them to go off the kingdom, and died abroad.

This rude garrison affords me another instance of the tender mercy of this time, which being in mine eye with the former, I subjoin it. There was an old man who lived not far from the garrison, most peaceably and religiously. His life was much spent in prayer, and he used to take retired places in the fields for this exercise. One day when some of the soldiers were ranging up and down, he was overheard and seized, and carried to the garrison, though he was chargeable with no crime, unless prayer was one. He was kept three days in the guard-house, where he was wounded in spirit with their blasphemies, oaths, and other wickednesses. The pious man told afterwards, that for two days, though hardly enough used, and scarce allowed any thing to sustain nature, he was free of all pain or uneasiness, but his soul was in a kind of hell while in their company, and vexed to hear the Lord's name profaned. At length, through grief and harsh treatment, the aged man fell into a violent cholic. Lieutenant Livingstone's lady, who was in the garrison, hearing of it, sent him a glass of brandy by one of the soldiers. The fellow who brought it told him he must drink the king's health; the other answered modestly, that he had drunk no healths these forty years, whereupon the soldier took the brandy though he saw the poor man in agony. At length, he was brought before Stonehouse, who tendered him the test, which he refusing, he was turned out of his house, and forced to wander for several years.

In the former section, I have hinted at the sufferings of several particular persons, March and April this year, from major White's courts; and at the same time Claverhouse is exerting his powers to the utmost in the south. That country was extremely harassed by searches. The persons sought for, such as had been Mr Cameron's followers, such who had been at Bothwell, all in the fugitive roll, all who had not compeared at courts; and indeed multitudes of such were hiding and wandering in mountains and caves, and not a few from other places of the kingdom had retired to the mountainous parts in Galloway and Nithsdale. These searches created an inexpressible terror and confusion upon the country people. In the night time a party would suddenly come upon a house, and if any stranger or suspect person was found, or observed to retire, then the house was rifled; and though nobody was found, yet generally they did not escape without loss. The parties who ranged up and down were most active this way, and afterwards detachments from the garrisons were constantly going up and down. There were also spies and informers who were maintained and bribed by the soldiers, if possible to discover the haunts of the wanderers. I find one John Gib was at this time made use of in the parish of Carsphairn, and the neighbourhood, who was very useful to Claverhouse; he pretended friendship to the sufferers, and went about the country with little books and sermons to sell, but at length was discovered to be a rogue.

The papists likewise in the south were most diligent and active to discover and inform against the wanderers, and the houses where any of them came at any time; and they themselves were not only overlooked, but very much encouraged at this time, as beingof the successor's religion. Multitudes of remarkable deliverances did the persecuted party meet with under all this violence, several instances of which I have seen, too large here to be inserted.

By the council registers I find three prisoners, Walter Thomson, Walter Atkin and Turnbull, sent in by Meldrum, petition the council, April 18th, showing, that they had been fined by the sheriff of Roxburgh for withdrawing from the church in the terms of the act of parliament, of which they produced receipts: yet notwithstanding, they were fallen upon by the laird of Meldrum, and because they would not pay the same fines over again, he made them prisoners, and they were brought into Edinburgh. This appears so plain to

the council, that they are ordered to be liberate but without any notice taken of Meldrum.

May 8th the council confine Sir John Monro, of Fowlis elder, to his own house in the shire of Ross, and a mile round it, for his alleged withdrawing from his parish-church. This excellent gentleman was now old and his friends procured him this favour. This same month I find several searches in the city of Glasgow, not only for ministers and preachers, but for all nonconformists. At one of them Ninian Paterson cooper there, upon his hiding for nonconformity, was taken and imprisoned, and very soon sent to the plantations, though nothing was alleged against him, but mere nonconformity. Thus no methods were left unessayed in city or country, to harass presbyterians. When by searchings and courts, they were forced from their retirements and haunts, some of them ventured into towns; and the least hint of any of them, was ground enough to make a general search, to the disturbance of all the families in town.

July 28th, the council appoint Mr John M'Gilligen, Mr John Philip, and Mr John Spreul, to be sent from Edinburgh tolbooth to the Bass. I know not the occasion of their being called for to Edinburgh, all of them had been in the Bass for some time; and the same day they agree upon the following instructions to the governor of the Bass, which deserve a room in this collection, and are as follows. "The lords of his majesty's privy council ordain the governor and deputy-governor of the Bass, to observe the following instructions as to the prisoners there, or that shall come. 1st. That they allow no men-servants to the prisoners, but only such women-servants as the governor-depute shall appoint and allow. 2dly. That the prisoners receive no letters or papers, nor send any to any person whatsomever, but what shall be seen by the said governor. 3dly. That the governor may allow two of the prisoners at one time to have the liberty of the island above the walls, betwixt sun-rising and sun-setting, and these two are to be shut up in their chambers before other two come out, providing this liberty be not given to any who are or shall be ordered to be close prisoners. 4thly. That there be two persons only permitted at one time to come from shore to see the prisoners, and that there be always some officer or soldier of the garrison present, to hear what discourse shall pass betwixt them; and if they be supected to have letters or papers for the prisoners, that they be searched, and the said letters or papers seized upon. Those instructions are to be observed till further order." 1683.

This same month of July, a new series of sufferings befell that excellent person Mr James Frazer of Brae, at London, which I promised formerly to give an account of; and though the stage of them be in England, yet the reader will be pleased to have them since they relate to a Scotsman, and minister adhering to the principles of this church. The breaking out of the plot at London, was the occasion of this new trouble to this worthy minister. We left him in that city, and here I shall end my accounts of his sufferings. About the 21st of July, he had been expeding some of his private business in Cheapside, and being observed to be a stranger, he was seized by one of the king's messengers, who was at this time searching for suspect persons upon the plot; and in a few hours was brought before the king and duke of York, some of the courtiers being with them. After some frivolous questions he was asked, if he had heard or known any thing of a plot against the king's majesty at any time. Mr Fraser answered, he knew nothing of a plot, but what every body heard of since it broke out; that he was no public person, nor haunter of cabals and coffee-houses, and he knew not one of the persons accused, or accusers in that plot; that he lived always peaceably, and never was accessory to any plot or insurrection; that in his answers before the council of Scotland, he had declared himself fully against all violent attempts against his majesty and government; and that being so publicly done, it was not probable any who had such designs would communicate them with him, yea, he had still shunned discourse on that subject. The king then asked him, what he thought of the archbishop of St Andrew's murder

and if he reckoned it a murder or not.
1683. He answered, he had no hand in it, or accession thereto, yea, he was grieved when he heard of it; and as he would not justify, or have had a hand in it for the whole world, so for him to condemn it or declare it murder, was what he could not do, that he was a doer of the law, and not a judge; and he humbly conceived, it was out of his sphere to give judgment of other persons' actings, which, in his opinion, belonged to his majesty and other officers of justice, not to him, especially when he was a stranger to the fact, and legal evidence of the nature, manner, and circumstances of the same. As to his inward sentiments of it, he told the king, God had appointed a solemn court at the last day, for judging actions, words, and thoughts, before which alone it was competent to give account of thoughts, and he referred himself as to these thither entirely: adding, that as to his thoughts, he was not free to give account of them to any human judicatory, to whom nevertheless he heartily submitted his expressions, words, and actions; and finally, he was not afraid, though his majesty knew what were his inmost sentiments in that affair; nevertheless, he would not be a precedent to any of his subjects, in giving a judicial account of his secret thoughts, especially with relation to other persons, and humbly begged to be excused. Next, the king was pleased to ask Brae, whether he judged himself bound by the Solemn League and Covenant, and if he thought there was any thing of moral obligation therein. Mr Frazer answered, that he had never taken the Solemn League and Covenant, neither had it been ever tendered to him; but as to all in it of a moral import, he reckoned he was bound, and that by virtue of the covenant thereunto, though he had never personally sworn it; and that however the words of the decalogue and covenant were not the same, yet the covenant was reducible to the decalogue, as being materially the same with it: that he remembered two of the chief articles of the covenant, one was reformation of our hearts and lives, according to God's word, and this he judged might easily be reduced to every precept of the decalogue, each of which ties us to reformation and repentance: another article he minded, was, that we should defend the king's just privileges, his person and government, which likewise he thought easily reducible to the decalogue; so upon the whole, he judged himself by the word of God, laws of the land, yea, and the covenant itself, though never personally taken by him, bound thereunto. After this he was asked as to his acquaintance with several persons, as Mr Ferguson, the lairds of Cesnock, Mr Monro, Mr Bailie, general Monro, and some others; to all which he gave a true and ingenuous answer, and was removed. The king and these present seemed to be satisfied as to his ingenuity, and that he was no way concerned in the plot: however, he was remitted to the lord mayor, who was ordered to put the Oxford oath to him, with allegiance and supremacy.

To morrow he appeared before the lord mayor. Mr Frazer takes notice in this part of his life, from which I am giving this account, that he was exceedingly grieved, that his sufferings were to be stated upon the oaths of allegiance and supremacy, since he was never very fond of oaths, and had no clearness as to the supremacy especially; and yet he found not himself so very willing to suffer upon this, as being a dark case: but he adds, that when the messenger signified to him he was to take all the three oaths, it was very acceptable news to him, as being at a point, and ready cheerfully to suffer before he would take the Oxford oath, since thereby he was bound, among other things, never to endeavour any alteration in the government, either of church or state. The lord mayor asked him, whether he would take the oaths: Mr Frazer desired Queen Elizabeth's explication might be read to him, and afterwards proposed some reasons why he conceived he was not bound in law to swear any of these oaths; but he was overruled in all. At length he came to give this precisely for his answer, that as to the oath of allegiance, he was willing to take it, providing it would end the strife and controversy about him. The oath of supremacy he demurred upon it, till he had more ripely advised it; and as to the Oxford oath, he peremptorily refused it, adding,

that if he could have no benefit by taking the oath of allegiance, he declined swearing of it, and humbly begged, if he were committed to prison, his commitment might run upon his refusing the Oxford oath. The common sergeant pressed hard he should be committed upon his refusal of all the oaths; but the mayor granted his desire, and the order was accordingly drawn, and he sent to Newgate. He continued there six months, but had such kind entertainment, and good company and conversation, that, he says, he can scarce call it suffering. When this time, which, it seems, was contained in the commitment, was expired, Mr Frazer was liberate, all his charges being within twenty pounds sterling. From this branch of sufferings out of Scotland, the reader must observe the vast difference of sufferings in England for conscience sake, even at this time, and the barbarity of our Scots managers.

Several gentlemen were attacked by the council this year, Blackwood, Earlston and Monkland; but their processes coming in before the justiciary, I shall leave them to the following section. There is one passage follows, with relation to the escape of the prisoners in the tolbooth at Edinburgh, which made no small noise at this time, and will fall in afterward in some of their criminal processes, of which it may not be improper to give a hint here from a gentleman then in prison, and yet able to attest the circumstances of it.

It was upon the 16th of September that Mr John Dick, and upwards of 24 other prisoners, none of whom almost could ever have expected to have come out of prison, but for execution, found means to cut a window and get out. The circumstances accompanying their escape were such as were truly remarkable, and the more to be observed, that not one of them save Mr Dick, fell again to the enemies' hands. There was a sentinel in the street just below the window at which they got out, whether for the security of the prison, or because the earl of Linlithgow justice-general, and colonel to the red regiment, had his lodgings just opposite to the tolbooth, my informer cannot tell. The window was cross-barred with iron, and after they had cut one bar, they found the space not large enough to get out at, which cost them the cutting of three other iron bars, and this took them so much time and pains that the matter was talked of among their friends, not only in the town of Edinburgh, but even at Glasgow, before they could get it accomplished; yet it came not to the ears of their enemies: but which is yet stranger, as my author very well remembers, it so happened, that the first bar they cut fell from the window, which was in the third story, upon the street of the town, about nine of the clock at night, and continued lying there all night, and next morning, till about the same hour, a friend coming in to see them, was sent down to the street, not so much to look after the bar, for that they did not so much as expect, as to know if the want of it was easily perceivable from the street; and he found it just where it fell, and got it sent up to them, and they made a shift to fix it again in its place, till they had ended the rest of their project. They could not but wonder that the street being so narrow there, and the earl of Linlithgow's lodgings just opposite to, on a level with their window, a sentinel at his entry within a few paces where the bar fell, and the bar being a missing for some hours, and they putting it again in its place, they could not but (I say) with admiration remark that they were not observed and hindered. That night likewise they had also cut the beam of the floor above them, and made way for some of their fellow-prisoners in that room to get out with them. When all was ready, and they just coming out, two friends surprised the sentinel at the entry foresaid, threatening him with present death if he spoke one word; and the fellow was not only silent at the time, but spoke nothing when he was relieved from his post, which gave them full time to shift for themselves. And several of them were country people who knew not the town, and had no friend nor acquaintance with them, to direct them how to dispose of themselves, yet they all escaped: yea, it was then affirmed, that one 1683.

Millar an Englishman, wandering up and down, and seeing a light in a house went to it, and knocking, a servant opened to him, and he most ingenuously told his

1683. circumstances: this happened to be the bishop's lodgings, but the maid had the generosity to hide the man, till next day she told some of her acquaintance whom she knew to be favourers of the sufferers, and they came and took a care of him. This passage being fully vouched to me, I thought it deserved a room here.

No small noise was made about this escape. The council could not be got together till the 20th of September, when, I find by the registers, a committee of their number was appointed to go to prison, and call for the magistrates of Edinburgh, and view it, and see what is needful to be done for its security: they appoint likewise general Dalziel to call a council of war, and examine the behaviour of captain, lieutenant, sergeants, corporals, and centinels that night, and report. And January 22d next year, I find a process before the council, against the magistrates and town of Edinburgh. They are libelled for suffering Mr John Dick, Adam Philip, George Atkin, prisoners for high treason, and about two and twenty others, criminal prisoners, to escape. The town's lawyers are heard, and the magistrates assoilied as being a casual and fortuitous escape. And the president is appointed to give them a reprimand, and admonition to take heed to their prison in time to come.

By the council register of acts, decreets, &c. I find a process October 8th this year, against the laird of Dundas and the trades of Glasgow, for a conventicle kept on their ground. It seems Mr James Renwick was now come from Holland, whither he had been sent by the societies, to study divinity, and to get ordination. We shall meet with him frequently after this. I know no more of this meeting than is in the act of council, which follows. Edinburgh, October 8th, "Whereas Mr James Renwick, traitor, and pretended clerk to the treasonable convention lately kept at Edinburgh, and to the treasonable commission lately given to Gordon late of Earlston, Michael Shiels, and Cameron, brother to Mr Richard Cameron, George Hill, lieutenant to captain Henry Hall, did flee forth off the kingdom to Holland, to carry on their traitorous designs, and are lately returned to the kingdom with other traitors and murderers of the archbishop of St Andrews, did, October 3d last, accompanied with John Whitelaw, tenant to Roughsoles, in arms meet and convene at Brown-ridge in the laird of Dundas his land, and kept a numerous field-conventicle, where the said Mr James took upon him to preach, and baptize ten or twelve children; and upon the 5th of October, another at Little Dumbreck in the parish of new Monkland belonging to the trades of Glasgow; the lords of his majesty's privy council, according to their act April 26th, 1676, fine the laird of Dundas, and the trades of the town of Glasgow, in fifty pounds sterling each, and allow them to have relief off their tenants and the cottars on their ground, in regard they did not timeously inform their masters."

At the same diet I find Mr Thomas Hogg formerly mentioned, present, and charged with house-conventicles, and the libel referred to his oath; and he refusing to swear, is held as confessed, and fined in five thousand merks. Within some little time he got over to Holland. And the same day upon the same grounds, they fine Mr Thomas Wilkie, (if I mistake not,) minister of the Canongate of Edinburgh since the revolution, in ten thousand merks. What was the reason of doubling his fine to what was the ordinary *quota* of presbyterian ministers, I have not learned.

Some time in October this year, James Forrest in Old-yards, in the parish of Cambusnethan, and his son, with his nephew Robert Gourlay, were seized by a party of soldiers. They had nothing to charge them with save an allegance, that the suffering people sometimes lodged in James' house. When they were taken, the house was spoiled of goods to a considerable value. After some time's imprisonment they were banished to West Flanders: thence they made their escape, and returned home the close of the next year. In a little time he and his son, and daughter Margaret Forrest, were seized, and she was banished to Jersey, and they to Jamaica, after long imprisonment. In October this year, that worthy person, the lady Cavers Douglas, re-entered her confinement in Stirling castle, after a

few weeks' liberty, to go to some wells for her health, but I shall delay the accounts of her till next year, when her son prevailed for her releasement, after some years' confinement.

Many instances might be given of country people, in every parish almost, in the west and south, apprehended towards the end of this year, upon suspicion of their being at Bothwell, or pretext of reset and converse. The prisons, especially at Edinburgh, were crowded, and many of them banished to the plantations, and others lay some years in prison; but there is no end of particulars of this kind. I shall only insert one instance of the soldiers' insolence, which I have attested from two of the prisoners yet alive, in the parish of New-Monkland.

Towards the beginning of November, this year, a party of soldiers apprehended about twelve persons in that parish, most of them merely for not keeping the church, and carried them prisoners to Hamilton, whence, in a few days, with other prisoners in neighbouring parishes, they were increased to the number of thirty, and carried to Lanark in the night time, and thrust into a nasty dungeon, where they could neither sit nor lie, but were obliged to stand the rest of the night, without the least refreshment of meat or drink, candle or fire, though the weather required the last very much. To-morrow being to be carried into Edinburgh, some horses were provided for them, and a guard of dragoons. The horses had all sunks laid on them when brought, but the commander Bonshaw, caused remove them, and two men were put upon each of the dragoons' lean horses, without any thing under them; yea, the men were first tied one to another by their arms, and then had their legs twisted with cords, cross the horse's belly, so hard, that their ancles were galled to the effusion of their blood. In this posture, they were driven at the gallop for some miles, and then obliged to halt at the public houses by the way, while Bonshaw and their guard took their cups heartily: meanwhile the poor prisoners were not allowed the least refreshment, their money which they had being violently taken from them by the road; yea such was their inhumanity, that to put the poor men to the greater torture they carried them about several miles off the direct road: and one of them begging liberty from his keeper, to alight to ease nature, the soldier applied to his commander for allowance, in the most earnest manner, but could not prevail; yea, he was severely threatened for his compassion to the poor man. It was confidently talked, that this very commander of the party, in a little time after, was killed by a drunken companion of his own, and run through the body, when easing nature upon a dunghill, and died there. My informer knows no more, but that this was reported at that time, and if it held, it is a very remarkable retribution of providence. However, the poor men, for many days, after they came to Edinburgh, were able neither to walk, sit, nor stand. 1683.

A very singular instance of exorbitant fining, I meet with November 15th in the council books. Sir William Scot of Harden had been, I think, carried in prisoner after the justiciary-court at Jedburgh, upon what occasion I know no further than I find in the registers. The foresaid diet, Sir William gives in to the council, a bill of suspension of a decreet passed against him, by the laird of Meldrum, the earl of Hume, and Hugh Wallace his majesty's cash-keeper, ordaining him to pay 46,125 pounds for his lady's withdrawing from the church. The lords of his majesty's privy council, repel the reasons of suspension; and, according to the power committed to them by his majesty's letter, of the 19th of April last, to modify delinquents' fines, do modify Sir William's fine to 1500 pounds sterling; and if he pay not this within fifteen days, they order execution for the whole. And, to put all I have noticed in the records about this odd process together. February 14th, next year, I find a petition from Sir William Scot of Harden, presented, bearing, that he hath been imprisoned now near six months in the tolbooth, and being a man near seventy years, and the prison like to destroy any small health he enjoys, praying the council may grant him that enlargement they see cause. The council order him to be sent to the castle of Edinburgh.

December 6th I find a petition from one

1683. Margaret Garnock, showing, she had been prisoner these twelve months, for alleged converse with rebels, and that no probation had been brought against her; and in regard she is now reduced to great straits, and very poor, craving she may be liberate, they order her to be let out of prison. These are some of the hardships particular persons were brought under this year. We shall meet with many gentlemen and others, sadly harassed by the justice courts, in the next Section save one, and a considerable number processed for their lives, and several executed, of which I come to give some account from the criminal books.

SECT. III.

Of the criminal processes before the justiciary, and the public executions this year.

A GREAT number of persons, noblemen, gentlemen, ministers and others, come this year before the criminal court, and are processed for their lives and fortunes, merely for conscience' sake, and their alleged accession to the rising at Bothwell, near four years ago; and we shall find the proofs as to this very lame, and such things as nobody almost could have kept themselves free of in a time of confusion. All I can do in so large a field, is to give the reader a short abstract of the processes, in the order of time wherein they fell out, from the books of the justiciary, and add some circumstances now and then from the council-registers, and other papers, come to my hand, for clearing up matters of fact.

It may not be unfit to open this black scene, with a letter, procured by the clergy and managers, from the king to the lords of justiciary, to quicken them to their work; and January 8th the letter is read and recorded, the tenor whereof follows.—"CHARLES R. Right trusty, &c. we greet you well. It being always our care to prevent the increase of disorder and rebellion, in that our ancient kingdom, not only by maintaining our forces to suppress the same, but likewise by employing learned and able judges, who may discourage any such insurrections, by discovering and punishing such as are guilty thereof. And being informed of late, that such who are to be adduced witnesses, being to be given in list to the pannel, are oft-times practised upon after their names are known, by the late regulations, so that it cannot be clear who will be proving witnesses, whereby the guilty may escape: and thinking it most secure for our people to trust the previous examinations, either before or after citation, to you the learned judges, who of all others are the most unsuspected and indifferent, we do therefore recommend it to you, that if our privy council shall find it necessary, previously to examine any who are to be adduced as witnesses, you will examine them upon oath accordingly, so that our advocate may be secure how to manage such processes, wherein you will do us acceptable service, for which this shall be your warrant. And so we bid you heartily farewell. Given at our court at Whitehall, the 30th day of December, 1682, and of our reign the thirty-fourth year.

By his majesty's command, MIDDLETON."

A lawyer who understands criminal forms, and the reasons of them, would be in case to make ample observes upon this letter. As was customary in this time, this practice here had been tried by the managers, before the king's authority was interposed; and this was the way now, first to do unreasonable things, and then to engage the king to require them to be done. It is very evident, this method was fallen on to expiscate matter of criminal process against gentlemen and others, to secure their evidence, and keep it secret likewise, till it was past time for the pannels to get defences. There is here much more than a precognition, the matter is by oath fixed as far as it is possible to be; and it appears very hard this should be done, and parties not present to give what exceptions and light they could for their own defence; and when once the witnesses had made their declaration upon oath, they could not resile without the charge of perjury, when they came to bear evidence *in causa*, and before the assize. By this letter indeed the lords of the justiciary are to take the witnesses' oaths, which how far it agrees with judges before they come to judge directly, I must leave to others; but this is only when the coun-

cil lay this upon them, and the council themselves had power, or assumed it, to do this; yea, many times it was left entirely to the advocate to do it, who was evidently a party in these cases.

But I come forward to the procedure of the lords of justiciary this year, after their receipt of such a commission from the king; and that same day, January 8th, I find Thomas Cunningham of Montgrenan before them indicted for treason and rebellion. For probation his own confession is adduced, emitted before the lords December 8th last. That he and the laird of Bedlane Cunningham, James Edmonston, and others, came upon Saturday before the engagement, to Hamilton-muir, and joined the rebels at Bothwell-bridge, that he had a horse, pistols, and a sword, and that he fled with them; and begs the lords may intercede with his majesty for his pardon, declares himself willing to take the test. To all this he now judicially adheres before the assize, and they bring him in guilty. The lords delay his doom till the 15th, I suppose that they might advise with the council anent the day, and to allow room for a remission. On the 15th the sentence is pronounced, that upon the first Wednesday of April next, he should be executed as a traitor, and demeaned at the cross of Edinburgh; and he is forfeited. We have heard before, upon the 18th the council intercede for this gentleman, and, I make no doubt, prevailed as to his life.

Upon the same day I find William Martin of Dullurg younger, indicted of treason and rebellion. The matter, it seems, as to him had been compromised, as in the case of some others mentioned in the former years, by a renunciation of part of his lands, however I shall set down the form of this. The pannel when his libel is read, declares he is ready and willing to abide his trial, as being altogether innocent, and dissented from all other further continuation of it, and produceth a renunciation before the lords, the tenor whereof follows. "Be it kend to all men, me William Martin, eldest son to James Martin of Dullurg; forasmuch as I am pursued before the lords of justiciary, for alleged being in the rebellion 1679, and seeing I am neither heritor, nor guilty of the said crime, therefore in their presence I renounce and resign 1683. in favour of the king's most excellent majesty, lord high treasurer, and treasurer-depute, all lands and heritages befallen to me, wherein I was infefted, or had a right before the said rebellion, or his majesty's gracious indemnity, and oblige me, my heirs and successors, to denude myself hereof *omni habili modo*, at sight of the lord treasurer, or treasurer-depute and consent these present be registrated, &c." The lords, in respect of the pannel's renunciation, and offering to abide a trial, do desert the diet *simpliciter*, and ordain him to enact himself to compear when cited; whereupon he takes instruments. Upon January 15th, William M'Clelland of Auchinguil, and Hugh Maxwell of Caill, are libelled as above, renounce, and the diet is deserted *simpliciter*, and they engaged to appear when cited. And the same day William M'Culloch of Gleichred, renounces as above, takes the bond of peace and the test, and is set at liberty.

The process against William Lawrie of Blackwood, hath been hinted at as illegal, and very hard, and therefore I shall give as short an account of it as I can. Last year, November 24th, this gentleman was brought before the council, and they, upon hearing him as to his libel, pass the following act. "Anent our sovereign lord's letters in the matter underwritten, mentioning, that albeit it be the duty of all his majesty's good subjects, to detect, discover, apprehend, and present to justice, any guilty of treason and rebellion, who have been their tenants, and haunt upon their ground; and that by the laws of this kingdom, the harbouring and resetting such persons, the furnishing them with meat, drink, house, or harbour, and the allowing them to labour, manure, or occupy their lands, as if they were free persons, is severely punishable as crimes of a high nature: nevertheless, William Lawrie of Blackwood, being a person who hath deeply shared in his majesty's bounty, by acts of indemnity emitted by his majesty; albeit he was brought under the compass of the laws for negotiating with the rebels 1666, yet the said William Lawrie continuing and persisting in his disaffection to his majesty's government, hath ever since,

1683. by his aiding, abetting, assisting, and countenancing rebels, given them too much encouragement to persist and remain in their rebellious courses. Which is manifest, in so far as the greatest part of the tenants of the lands of Blackwood, were actually in the late rebellion, and after the defeat of the rebels, were actually received back by him as tenants of the said lands, allowed to labour and manure the ground, and did receive mail and duty from them; and particularly John Alston son to John Alston miller, who murdered cornet Graham, Thomas Allan in Mungrie-hill, John Rae in Kirknurchal, John Rae his son, and Thomas Watson in Chapel, who was afterwards killed at Lyrs-moss, and hath reset and corresponded with them as free persons, albeit they had been by the justices found guilty, or declared outlaws; whereby the said William is guilty of an open and manifest crime, for which he ought to be punished in his person and goods, to the terror of others. Being called and compearing on the 7th of June last, he alleged he was no heritor of these lands, but only administrator to his children these two years past, and during that space he did not live upon the place. The lords sustained the libel to be proven by witnesses, and repelled the defence, in regard he hath intromitted with the rents, and the vicinity of the place, and the continuance of the time, and so is presumed to know all the tenants, except he will instruct that, in due time, he hath done legal diligence to apprehend the rebels, or so to discover them, that they might be apprehended, or at least put them off the ground before the intenting of this process. This day he being absent, the witnesses are called, and it is found that these named, and some others, have been harboured and reset by the defender upon the lands of Blackwood, and some of them in his own family. The lords, in regard the crimes are of so high a nature, and the probation so full, refer the whole matter to the justices, and ordain the advocate to insist against him."

January 31st, this gentleman's process before the justiciary begins, and he is indicted, "That after he had been brought under the compass of law, for negotiating with rebels at Pentland, and was indemnified, continued in his aiding, abetting, and encouraging rebels, inasmuch as when many of the tenants of the lands of Blackwood had been at Bothwell-bridge, he received them back as tenants, and received mail and duty from them, as if they had been his majesty's free lieges, therefore hath incurred the pain of treason, at least is art and part with them in the said crimes. And by an additional libel he is indicted, for commissionating, giving order, or conniving at James Clelland and James Wilson, known rebels, to come in the month of May or June, 1679, to the house of Douglas, and take away two cannons, and several horses belonging to the marquis of Douglas, and a horse of his own, which were employed by the said rebels; and his resetting, conversing with, and furnishing tacks to the said James Wilson, and employing him in his affairs after the rebellion; and another additional article, that he allowed the said James Wilson in Townhead of Douglas to stay in the castle of Douglas, though a notorious rebel." For the pannel it was answered, that he concurred no further in the business of Pentland with the rebels, than as commissionated by general Dalziel, to go and intimate to them the proclamation of council to lay down their arms, and submit to the king's authority; that his converse with rebels till once intercommuned, which the above-mentioned were not, infers not the pains in the libel; that the persons named in the libel were tenants included in the indemnity, and the lieges consequently in *bona fide* to converse with them, and receive them in their lands, though they had not taken the bond of peace, when they had not been intercommuned: and it was further urged by his lawyers, that this libel cannot go to an assize, unless the rebels were convict; that a person pursued for reset and converse cannot be put to the knowledge of an assize, all such qualifications being but a degree of accession, unless the principal party were first judicially convict; and if this order were inverted, it might fall out, that one might be condemned as accessory and accomplice of the alleged crime of another, who, when he came to be tried,

might be acquit of the same crime, which, if it did fall out, must convince, that the person first condemned was absolutely innocent. And further, that when whole tracts of countries have been in a rebellion, it can never be made appear, that persons were ever pursued, much less found guilty of the crime of treason, upon the qualifications libelled, except, by the highest degree of diligence and execution, a public mark were put upon rebels, and they intercommuned, which in other countries is called *bannum*. That the tenants not taking the bond upon the indemnity is *factum alienum*, wherein the law presumes we may be ignorant; and however it may forfeit rebels themselves of the indemnity, yet their public repairing to their dwellings, public converse, and being put to no trouble or prosecution by his majesty's officers, was a good ground to think they were not guilty; and lastly, that the pannel was not heritor of those lands: and as to their being notoriously known to be rebels, notoriety in terms of law can only be founded upon letters of intercommuning, as appears from the very nature of them; and though the lords have in former cases found, that notoriously known, held and repute rebels, is sufficient in this case, yet it appears a matter of that importance, as deserves their lordships' reconsideration.

In answer, the advocate insists upon the notoriety *facti*, though not *juris*, and that this is already determined, the judges having already declared law in cases of this nature. The lords repel the defences, find the indictment relevant, and remit the probation to an assize, and delay this process until February 4th. This is as short an abbreviate of the reasonings on both sides, as I could give the reader. That day Blackwood's lawyers insist, that the libel ought not to be remitted to an assize, and advance several defences for the pannel, as that the libel is not special; that Blackwood was tutor to his grandchild, that he lived at Edinburgh where the Porteous rolls of shires are not intimated; that all persons named in the libel, for many years had conversed openly at fairs, markets, &c. without any person to challenge them. The advocate replies, that the lords have already by their interlocutor found, that it is treason to converse with persons denounced fugitives or open and notorious rebels, though not intercommuned; and the lords repel the defences, and in particular that of notoriety, in converse at kirk, markets, fairs, &c. with persons of all conditions. It is further argued for the pannel, that he was no way accessory to the taking away of the cannon from Douglas castle; that he conversed not with James Clelland and James Wilson until October after, when they were openly at his father's burial; that the horse libelled was the marquis of Douglas', not his; that James Wilson was a common and known drover, and so he did employ him and deal with him, when the whole country about him did so openly. The lords repel all the defences, and remit the matter to an assize, and delay the process till February 6th. The reader cannot but perceive the iniquity and severity of this procedure, and nothing is chargeable upon this gentleman, but converse with people whom all the country conversed and openly dealt with. 1683.

With what views, and whether to fright and involve the gentleman, I know not, but upon the 6th of February, the lords, before probation is adduced, require the pannel to declare, whether he was guilty of the crime libelled; which method I have not observed in other processes that are criminal. And Blackwood declares, "that as to the probation he comes in the king's will.

"WILLIAM LAWRIE."

Then for probation the advocate adduceth the Porteous roll, and books of adjournal, bearing, that the persons with whom Blackwood conversed were in the rebellion. Some of them compear, and declare upon oath they paid rent to Blackwood since 1679, though I do not find they declared they were in the rebellion. It seems, the rolls and books of adjournal were the foot on which the advocate would have that to stand; and other witness are adduced, and depone they heard the former converse with Blackwood, then the assize inclose. February 7th the assize return their verdict, that they find the pannel guilty of harbouring and conversing with declared rebels and fugitives, proven by the deposition of

1683. witnesses: and also find by his judicial submission as to the probation, that he comes in the king's will. The lords adjudge the said William Lawrie to be taken to the market-cross of Edinburgh the last of February instant, there to have his head severed from his body, his name, memory, fame, and honours to be extinct, and his lands forfeited to his majesty for ever.

After sentence was passed upon this gentleman, the king was acquainted with the process, and a letter comes, dated February 24th bearing, he had lately received an account of their proceedings against William Lawrie of Blackwood, now prisoner, and condemned to die for treason, and is well pleased therewith, and particularly with their ordering the advocate to pursue him criminally, and gives them thanks. Thereupon he was reprieved till the end of March. March 22d I find the committee, which had been appointed to consider the case of William Lawrie of Blackwood, report, that the marquis of Douglas hath not cleared his accounts with the said William Lawrie, and that it very nearly imports the said marquis to have them stated, and the time whereat he is to die being at hand, there is need of a further reprieve. The council reprieve him till the last Friday of November. At this time he is further reprieved, and January 12th 1684, upon a petition from the marquis of Douglas, the council intercede with the king for a remission, and the reason is, because William Lawrie knows the marquis' affairs and accounts best; and it comes down January 31st.

I go on to other processes as they stand in the criminal books. I meet with a process February 12th against John Menzies in Dalquharn, who is indicted for his life, and condemned to die, merely for converse with John Schaw of Greenhill, fugitate, and a letter, he said when drunk, he received from John Balfour of Kinloch. The probation is very confused in the register, and sentence is pronounced; but he offering to take the test, being regular and attending upon the curate, no doubt he was reprieved. They were not persons of his stamp who were now executed.

February 26th, John Gibson of Auchinchain, who had been condemned for his accession to Bothwell, presents to the lords the king's remission for his being at the rebellion, and he is set at liberty. And March 6th, Robert Ferguson, late of Letterpin, of whom before, produceth a remission for his concern in the rebellion, and is liberate. March 12th, William M'Culloch in Cleichred, before mentioned, makes a renunciation of his heritages in the hands of the treasurer and treasurer-depute, as those above, January 8th, and binds himself never to rise in arms against the king or any commissionated by him, and enacts himself to compear when called, and so the lords desert the process against him for his accession to Bothwell-bridge, *simpliciter*.

March 27th, James Lawrie writer in Lanark, presented himself before the justiciary. It seems his peace had been made, and a remission secured; he had been found guilty in absence, March 21st, 1681, by an assize, of treason and rebellion, and ordained to be executed to death when apprehended: the lords adjudge him to be carried to the market-cross of Edinburgh, Wednesday, April 4th and hanged; and the magistrates of Edinburgh to see to the execution. By the council registers, I find he petitions the council for a prorogation of his reprieve, which they granted until the first Friday of November. These long reprieves are generally a preface to remission; and, April 1684, I find him recommended for a remission to his majesty, who no doubt granted it.

On the 22d of March, as I noticed on the first section, the council granted a justiciary power to major White, upon his apprehending John Nisbet, to prosecute him criminally, upon the place, for having been at Bothwell; and William Crichton, sheriff-depute of Ayrshire, is adjoined to the major in this matter. I have not met with any further accounts of his trial there, but what is published in the Cloud of Witnesses, and his speech which he left behind him. His trial was at Kilmarnock, to frighten that country, who were very much strangers to executions. At his examination, he was posed hard to tell when or where he had seen John Nisbet of Hardhill, whom

they were seeking for with great violence. When he was positive in his refusal to tell any thing anent him, the major, in a manner unworthy not only of a judge, but of a Christian, scolded him, and said, he would make him tell what he knew, otherwise he would make him sit three hours in hell. John answered, 'that was not in his power.' It was asked at him, 'if he was under any oath of secrecy not to tell of others.' He answered, 'he was under no oath as to these things, except that of the Covenant, which binds him to the duty the scripture requires, with relation to his Christian friends in their sufferings.' Being asked, 'if he preached or expounded scripture,' he answered, 'he was never a minister, and none but quakers expounded scripture without a mission, and their principles he entirely disowned.' Next he was asked, 'if he owned the king as head of the church,' he answered, 'I acknowledge none to be the head of the church but Christ.' After his examination, he was indicted for treason and rebellion. I do not find any witnesses adduced to prove him guilty. He says in his last speech, which hath been printed, "That he was indicted upon his owning the lawfulness of the rising at Bothwell-bridge, which he did with much cheerfulness, as reckoning it self-defence, and in defence of the gospel: next, upon his disowning the curates, which was interpreted disowning all authority, yet he disowned them very boldly. 3dly. Upon his hearing Mr Cargill, Mr John King, and others; which he also confessed, and blessed God that ever he had heard them. 4thly. His refusing to pray for the king's person, and government and authority, which, he says, he had no clearness to do, he reckoning it to be owning him to be *right* in all that he had done in oppressing God's people." Upon these heads this good man was sentenced to be hanged at Kilmarnock cross, April 4th this year. I have before me a large account of his carriage at his execution that day, and his last words on the ladder, too long to be insert here, taken from his mouth in short hand. He had a grave courage and staidness when he came to the place of execution. After he had prayed, he sang the 16th Psalm, from the 5th verse to the close, with a great deal of affection and joy; and then read the 8th chapter to the Romans, and prayed again. When he had delivered his bible to his uncle, he made himself ready for the executioner, not expecting to get leave to say any thing to the spectators; but essaying to speak, and not being interrupted, he continued a good while in an extemporary discourse, pressing them to godliness, and recommending religion to them, from his own feeling and experience. He notices, that this is the first execution of this kind at that place, and is of the opinion, it is not like to be the last; he tells them, death is before them all, and if it were staring them in the face, as nearly as it was him at present, he doubts not there would be many awakened consciences among them; but as for himself, though death be naturally terrible, and a violent death yet more terrible, yet the sting of it is taken away, and he can say, he reckons every step of the ladder to be a step nearer heaven. When going on to give some account of the cause of his sufferings, and his indictment, a confusion was raised by the soldiers, and he broke off, and drew the napkin over his face, and was turned off when commending his soul into his Father's hands. This person lived in the parish of Lowdon, and is generally named John Nisbet younger, to distinguish him from John Nisbet of Hardhill. Another James Nisbet in the same parish, suffered next year at Glasgow, as we shall hear. 1683.

Upon the 2d of April, a process of forfeiture is raised before the justiciary, against the underwritten persons. I have a copy before me, of the criminal letters against them, of three or four sheets, too long to be insert here or in the appendix, and therefore I shall only give an abstract of the most material articles here. 'Anent criminal letters raised by Sir George Mackenzie of Rosehaugh his majesty's advocate, against John Balfour of Kinloch, called Captain Burleigh, John Russel portioner of Kettle, Robert Hamilton brother to Sir William Hamilton of Preston, Mr John Hogg Minister at Rotterdam, Mr Robert Fleming there, Smith, Mr Robert Langlands, Andrew Russel Factor, John Russel Factor, and James Stuart son

1683. to Sir James Stuart lord provost of Edinburgh, making mention, that notwithstanding of many acts of parliament, against treason, rebellion, and rising in arms, which they have broken; and whereas by act 11. sess. 1. parl. 2. Char. II. the king's advocate, warranted by the privy council, may and ought to insist against such persons in absence; and if cited and not compearing, the lords are to proceed to forfeiture, as if they were present: and it is so verily, that the said John Balfour, and John Russel, with the deceased David Hackston of Rathillet, and others discharged several shots in the coach of his grace James Archbishop of St Andrews, about two miles from the city of St Andrews, in Magus-muir, when travelling, with his daughter, most securely, and most sacrilegiously invaded him and his daughter; and his grace having opened the door, and come forth, and fallen down on his knees, begging mercy, or time to recommend his soul to God, and to pray for his murderers, so cruel and inhumane were they, that without pitying his gray hairs, or the shrieks of his weeping daughter, or respecting his character or office, most cruelly and furiously gave him many bloody and mortal wounds in his head and other places, and left him dead and murdered on the place; and then went unto the west, and rose in rebellion at Bothwell-bridge, under the command of the said Robert Hamilton. And when, by the diligence of his majesty's forces, they could no longer stay in the nation, they fled to the United Provinces of Holland, where the said Mr John Hogg, Mr Robert Fleming, Mr Robert Langlands, &c. conversed with them, harboured, supplied, and furnished them with money and necessaries, in the years 1679, 1680, 1681, or 1682. And the said Messrs Hogg, Fleming, Smith, and Langlands, did, in one of the months of the years foresaid, employ Mr Donald Cargill, Mr Richard Cameron, Mr John Rae, Mr David Hume, Mr John King, Mr John Kid, Mr John Weir, Mr Thomas Hogg, Mr Andrew Anderson, Mr John Ross, Mr Alexander Wilson, Mr Alexander Bertram, Mr Francis Irvine, Mr John Wellwood, Mr Thomas Macgill, ministers, fled from their native country, for their hand in the rebellion 1679, and who were intercommuned. And the said Messrs Hogg, Fleming, Smith, and Langlands, are arrived at that height of impiety, to own and maintain that treasonable and sacrilegious covenant, (which occasioned so much bloodshed, and the loss of the lives of so many good subjects, and was the engine of the whole catastrophe of the rebellious, and unparalleled, and accursed murder of our sovereign lord Charles I. to the everlasting reproach of the protestant religion) and, in an impious and insolent manner, did take upon them to debar from the Lord's table, such as owned his majesty's authority, or assisted and served him in the government, as enemies to Christ and his kingdom; and consulted and treated for admitting the said John Balfour to the table of the Lord; that during the Dutch war, they prayed publicly for the success of the forces of the states, against their sovereign lord the king: and the said James Stuart being the son of a father whose disloyal principles and practices tended to the destruction of his majesty's authority and government, in the time of the late rebellion; and he no sooner arrived to any height of knowledge, than he used all endeavours to disturb the government, both in church and state, and by his writings and practices to sow sedition; and after he was forced to lurk and flee the nation, when returned after the indemnity, he wrote and drew a representation of the late earl of Argyle's case, which paper was designed to be printed, wherein he extremely reflected on the late parliament, and test, appointed to be a bulwark to the protestant religion and his majesty's government; and drew and wrote reasons against the said test, treasonably asserting, that subjects were bound by the Covenant and Confession of Faith, to oppose the civil magistrate in defence of religion: and hath assisted, supplied, and done favours to the said John Balfour and Russel, and continues in a desperate state of rebellion and treason. Wherefore these things being proven, the whole of the above named persons ought to be punished with forfeiture of life, and lands and goods."

The advocate produces warrants to pursue, and the summons upon sixty days, as

ordinary in cases of persons being out of the kingdom; and at present insists against Robert Hamilton and John Balfour. The lords find the dittay relevant, and remit it to probation before an assize. Witnesses appear, and depone they saw Robert Hamilton general at Bothwell-bridge, and Balfour captain of a troop of horse. Another witness depones, that when Balfour was fleeing, he heard him say he had received a shot, the "devil cut off the hands that gave it." The assize bring them in guilty of what is libelled, and the lords adjudge them to be executed and demeaned as traitors, when apprehended, and their name, fame, and memory to be extinct, and their lands to fall to his majesty as in common form. Upon absence, after citation, John Russel portioner of Kettle, Messrs John Hogg, Langlands, and Smith, and James Stuart, are put to the horn and forfeited. We shall meet with Mr Stuart, and Mr Langlands afterwards in the progress of this history.

A representation was given in the same diet, that Mr Robert Fleming was in Scotland in the time of the Dutch war, and that he raised John Balfour from the table of the Lord, and the representations of merchants and others in favours of Andrew Russel and John Fleming, (it is Russel before, and either the former or this is wrong written) the diet of all the three is continued: and I find November 12th, their diet is further continued; and December 3d Mr Robert Fleming is continued to the first Monday of April, 1684, and April 24th, 1684, I find an act of council presented in favours of Mr Robert Fleming and Andrew Russel. The act anent Mr Fleming I find in the council-registers, dated April 8th, 1684, which I insert here, that the reader may have the whole of this together. "Anent a petition presented from Mr Robert Fleming, minister at Rotterdam, showing, that the petitioner being indicted at the instance of his majesty's advocate, for alleged resetting and intercommuning with rebels in Holland, and allowing the bloody and sacrilegious murderer John Balfour, to partake of the sacrament, and for his alleged praying for success to the Hollanders, against his majesty's navies during the Dutch war; and being valetudinary and languishing under the difficulties of old age, and so incapable to come to Scotland, therefore the council have from time to time continued his diet; and seeing he is altogether free and innocent of what is libelled, which he can make easily appear; for, in the time of the Dutch war, and several years before and after, he lived peaceably and loyally in Scotland, and then, as ever since, prayed heartily for the prosperity of his majesty's person, government, and forces. And the petitioner was so far from admitting the bloody murderer named, to the Lord's table, that he on the contrary caused raise and extrude him therefrom, as can be proven by all the people then present; and for which the petitioner was upbraided and reprehended by the hot-headed fanatics his favourers: therefore he humbly supplicates, that the council may please to relieve him from further trouble, by appointing the justices to desert the diet, at least to continue it some longer time. The council having heard the petition, and an account from Mr Constable, secretary to his majesty's envoy in Holland, by the secretary of state his warrant of the petitioner's good behaviour, do prorogate the diet for the petitioner's compearance, for some competent time, that he may be in condition to appear; and April 17th, the council desert his diet *simpliciter*." Mr Russel had likewise very large testimonials of his good and loyal behaviour; and the above day the justiciary finding, by the act of his majesty's council, the pannels are freed from further trouble, desert the diet *simpliciter*. 1683.

The same second of April, Sir William Denholm of Westshields, and Mr Gabriel Cunningham, indulged minister at Dunlop, are indicted for aiding, assisting, and corresponding with Mr John Cunningham late of Bedlane, a notorious traitor. Archibald Menzies younger of Culdairs, called colonel Menzies, is at the same time indicted for saying one day in prison, "that fools made the test, and knaves take it." All the three are absent and denounced, and put to the horn, and their moveable goods are ordered to be escheat, and brought in to his majesty's use, as outlaws and

1683. fugitives. I know nothing of the last, but the two former were excellent persons, and whatever might be proven of their converse with Bedlade, I am certain they were no ways concerned in the rising, and I suppose this process proceeded only from some malicious informer.

May 4th David M'Millan, and some others, were brought before the justiciary. I have before me his own account of his examination before the council, and his speech he designed to have delivered at his execution, and from these and the justiciary-registers I shall give some account of him, and the rather that he is quite overlooked in the Cloud of Witnesses, either because the accounts of him came not to the collectors' hand, or, it may be, because this sensible solid country man goes not to the heights the people they have picked out run to. When he was brought before a committee of the council, their queries and his answers were. "Do you keep the kirk? he answered, he was taken out of it, not when hiding, but when retired to it for reading the scriptures. Being asked who took him, and for what. He answered, Claverhouse, for being at Bothwell. Then he was questioned, do you not count Bothwell rebellion? No, answered he, it was in defence of the truth. Next, he was asked, do you acknowledge lawful authority? He answered, he is not a Christian that does not so. But add they, do you acknowledge the present authority? *Answer*, in so far as he hath kept his engagements according to the word of God. Then he was asked, Will you take on to be a soldier and go over sea? for if you abide here you will be hanged. He answered, Being under your power now, I will not cut out mine own lot." Before the justiciary his confession before the council was adduced against him, upon which he alleged they had some things there he had not spoken, particularly about the bishop's death. Well, said the lord who presided, what say you to that now? He answered, he had no judgment to judge such heads. He adhered to what he had said as to Bothwell, and being asked if he had any thing to say to the assizers, he said, he knew none of them, but betwixt you and them, and God, be it. He was told, there was yet room to renounce his ill principles that took him to Bothwell, by taking the test. He answered, if he took it, it would not be willingly, and his heart would not come up, and so he thought it best to adhere to his light. The assize brought him in guilty of being at Bothwell in arms, and judicially owning the lawfulness of joining with those who were there; and the lords adjudge him to be hanged at the Grass-market, May 16th, betwixt two and four in the afternoon. When the dempster was reading his sentence, he was stopt in the middle, and David was told, if the sentence was read out he would not get it recalled, and the test was offered to him. His answer was, Go on; and when it was read out, one of them said, what think you of it now? David answered, It was very welcome.

He died with John Wilson, whom we shall meet with just now, in a great deal of peace and composure. His paper he left behind him, not expecting the liberty of speaking, is very short and pathetical. "He blesses the Lord who had inclined him to join with the persecuted party at Bothwell, where he quit his horse after he had fled, and joined the body of foot that stood when they were overpowered with the soldiers; he desired quarters, and one said, I'll give you quarters, and knocked him down to the ground. He observes a strange preservation from a ball a Highlander shot, which hit him, and yet hurt him not, and much of the Lord's kindness in his getting safe home, when he had no acquaintance in the way. He earnestly wishes, that love may continue among the godly, notwithstanding of differences in judgment, and desires every one to look on their own sins as the cause of this undoing of religion, and still remember the church was purchased by Christ's blood. He blesses God who hath honoured him with his cross, and that ever he heard the gospel preached in the fields. And observes, when he was urged to quit his principles, he durst not for that word, "keep the truth, and the truth shall set you free," and names many other scriptures, which prevented his sinful compliances: and adds, I could not

argument for the truth as others, but I never had a look to go back, nor one wrong thought of God. He warns Christians against idleness, when enemies are undoing religion; and regrets it, that some pretended friends are the greatest enemies the church hath. He presses all to mourn for broken vows and promises, slighted offers and opportunities, and a broken covenant, and wonder at God's patience to the land under a slighted gospel; presseth all to plead for God's return to the land and posterity: and declares, that though the world turn upside down, he hath the solid faith of it, that it will be well with them who are at their duty, and that he dies in the faith of it, that God will return to Scotland, for he is infinitely wise, and knows no difficulties; and yet he is apprehensive, the Lord, for innocent blood and other sins, will sweep away most part of the generation. He adheres to the Confession of Faith, catechisms, and covenants, and leaves his testimony against hearing the curates, paying cess, and the indulgence; and concludes, with blessing God, that made him see the odiousness of his sin, his nakedness, and gave him white raiment from himself, and made him close with himself on his own terms. My soul, adds he, shall bless him through all the ages of eternity. Amen.

DAVID MACMILLAN."

There were in the pannel with this good man, when before the justiciary, James Brown, John Paterson, William Miller, James Gemble, who, upon their petition, were allowed to take the test, and were liberate; and George Lapsley and Robert Lawson, who refused the test, were remitted to the 10th of June, but their indictment was found relevant. We may afterwards hear of them. They escaped in September, with John Dick and others.

This same day, May 4th, John Wilson, writer in Lanark, is brought before them, and they name the day of execution upon their former sentence.

"John Wilson, writer in Lanark, having been formerly condemned to die, and to be demeaned as a traitor when apprehended, and acknowledging himself that same person who was formerly condemned, March 1st, 1681, for rebellion, the lords adjudge him to be hanged at the Grassmarket, 1683. May 9th, betwixt two and four in the afternoon." I think it was the 16th before he was executed. But having this worthy person's original papers put in my hands by his sons now serving God in the work of the gospel in this church, and they differing in some things from what is published in the Cloud of Witnesses, from them I shall give some further account of him, referring, for shortness in some things, to the papers themselves there printed, when they agree with the original. The publishers of the Cloud of Witnesses acquaint the reader, that they have made some alterations, and omitted some things of lesser moment. By comparing their printed account with his own papers, I find, that either their copy hath been very mank, and incorrect, or they have taken more liberty in the changes they have made, than can be justified, and therefore I shall give the larger account of this excellent person, who was far from running these lengths a good many went whom they have chosen to make up their collection; and the rather, because the reader will find in these papers some matters of fact I have not elsewhere met with, which will give a new view of the temper of times I am describing.

Mr Wilson had been at Bothwell, and does not deny but he was a captain there; this was what he had ground to expect would cost him his life, as soon as he fell into the managers' hands. The precise time of his being seized at Lanark, I know not, but when he is carrying in to Edinburgh, I find upon his road he resolved upon the utmost freedom before the council, and says, he was determined to this by considering the boldness of Stephen, Acts 7. 51, 52. and Peter, Acts 5. 30. and that promise Philip. 1. 28, 29. and upon the other hand, from the knowledge he had, that the managers used to pick such quarrel with the sufferers who came before them, as might, if possible, justify their harsh dealing with them, and that persons in his circumstances were branded with imprudence, yea as having a hand in their own death, by some professed friends, and

1683. that the public proclamations and papers of this time asserted, that the design of the rising at Bothwell, was not religion, but ambition, and to possess themselves of the government. From all this he resolved to be as cautious and prudent as he could, without prejudice to the truth, and to take his defences for defensive arms from the test itself, their own writers and the deeds of the privy council in former years, whereof some of them had been members, and to hold by that rule, 1 Pet. 3. 15. to be ready always to give a reason of the hope in him with meekness and fear.

Upon the 17th of April he appeared before a committee of council in the Abbay. The first paragraph of his answers before them, as published in the Cloud of Witnesses, is so curt, that I could scarce understand it, till I consulted his own papers. And in them it runs, "There being a letter written by me to James Lawrie, reproving him for calling Bothwell-bridge rebellion, the chancellor said, that having found a double of that letter upon me, he had called James before them, who declared, that that letter had satisfied his conscience, and that he was sorry for what he had spoke; adding, that they had produced another letter found on me, which they alleged to be his answer to me, which he denied, and produced another letter, and asked me by whom it was writ. I refused to tell by whom it was writ. They asked, who the lady was mentioned in the close of it. I said I durst not burden my conscience to tell. Then they asked, if I owned authority, I asked, what authority. Then presently without any stop, they asked, what I thought of Bothwell, was it not unlawful to rise in arms. I said, I durst not say it was unlawful, for the confession contained in the test says, that it is a good work to defend the life of the harmless; and that however God had disposed of these people, yet I supposed the Lord would own those, who hearing their neighbours had been worshipping God, and (for defending themselves against these that sought their life) were in jeopardy of their lives, thought it their duty to rise for their relief. Then they asked, if Pentland was rebellion. I answered, that the oppression of that poor people was so great, that the then rulers condemned Sir James Turner for his cruelty. One of them said, that he knew Sir James went not the length of his commission. Then they asked, if the bishop's death was murder. I desired to be excused, for I would not answer that question; and being urged again and again, I told them, it being nothing concerning my salvation, I did not pry into it. Then they said, how did Bothwell concern your salvation. I answered, there was none who engaged themselves in service to God, but they behoved to be at his call; and it being for the saving of the harmless, I durst not sit God's bidding. They asked, if I was a minister. I said, not. Your letters, say they, seem to import it, and they read somewhat about a call to some ministers, nothing relative thereto. They said, will you not condemn the bishop's death as murder. I said, I dare not, for fear God having justified some of those actors, they should rise in judgment and condemn me. Said one of them, Is there no other way but to rise in arms against the king. I said, I supposed they had read bishop Honyman's answer to Naphthali, wherein he says, A king may be resisted, in case he should alienate the kingdom to strangers; and that being granted, religion was as dear to us as our outward interests. One answered, The bishop got little thanks for that. They asked, if I thought it lawful to rise against a state that are not of your opinion, and would you go to Bothwell again. But because of the confusion, and their hurrying me away, I got no answer given to these. They asked, if I was at Bothwell and a captain there, which I owned." Mr Wilson makes reflections upon this first examination, for which I refer to the Cloud of Witnesses, page 188. He owns he was not dashed either with shame or fear. He regrets he could not get liberty to answer the two last questions above, and sets down what he would have said, and regrets that upon the question of authority, he did not take occasion to testify against the ecclesiastical headship. But he had another opportunity for this.

April 17th he was brought before the council, where again he was questioned.

"Was you at Bothwell, and a captain there? I answered as formerly. Is Bothwell rebellion? I answered, No, it being for defence of the life of the harmless, they being set upon for their lives, for hearing a sermon, and defending themselves, were for that in jeopardy to be cut off. They replied, The preaching was done. I said, as before, the Confession of Faith in the test, &c. O! say they, then you approve of the test, will you take it? I answered, No, I am not speaking of the test, but of the confession contained in it. Then I was asked, Think you it lawful to rise against the magistrate? *Ans.* Will you condemn the reformation (carried on by John Knox) from popery? One said, We came not here to answer but to ask questions. I said, The answering of that question to me, would be a full answer by me to their question. Then said bishop Paterson, The reformation was good, but the way of carrying it on was ill. I said, That is a marvellous thing to think that God would approve the actors in such actions, and yet the method ill, and they to have a most solid peace before God in these actions, and to have such a mouth to defend it, as all the wits in these days could not be able to gainstand, as will be clear to any that hath read the History of the Reformation. O! says one, he has read the History of the Reformation; but you will not find it in scripture, that people may resist the prince; for then, they take the magistrate's part upon them, and therein declare themselves to be above the prince. I answered, The people resisted Saul, and would not let him kill Jonathan. Yes, says the bishop, and the people were there in the wrong. I said, The scripture did not condemn the deed. Then they again urged, that rising in arms was unlawful. I told again, that bishop Honyman granted, there might lawfully be a rising in arms, if the kingdom were alienated to strangers. The bishop said, That would be a distracted act. Then they asked, if the bishop's death was murder. I answered, I would neither say it was, nor it was not. They asked, if I owned authority. I answered, Authority might be taken several ways. 1st. For the simple command of the prince. 2dly. For the more public command of the prince and people. 3dly. For a power a prince may be clothed with by a people. 4thly. For a prince's right to govern the people. And in the two first senses, since many, both of the prince's edicts, and public acts of parliament, are directly against presbyterians, and presbyterian government, in owning it in these senses, I should deny myself to be a presbyterian: in the third sense, since the people had clothed the king with the headship of the church, I added, I could not own that, because the 11th article of the Confession of Faith contained in the test, says, that office pertains properly to Christ alone, and that it is not lawful for man or angel to presume to intrude therein. As for the last sense of authority, his right to govern, I said, I had not seen through the denial of it." 1683.

I cannot but remark how this is printed in the Cloud of Witnesses, page 187. "I had not seen through it." In charity, I shall suppose it is an error in their copy who published that book, or the printer; for this is an alteration both of the phrase and matter of the author, in a matter of very great importance. Mr Wilson's plain sense is, that he had not seen through the denying the 'king's right to govern,' notwithstanding of the ill laws made by him and the parliament, and would not deny his right to govern; and if any shall from this expression, as printed in that book, gather, that this judicious and excellent person denied the king's authority in this sense, I hope this remark will set them right, and discover he was of other sentiments, than many the collectors have put together in this book. He goes on, "Then they asked me, if I would venture my life on these things. I said, my life was in God's hands. Then they read what they had set down in writ, that I was at Bothwell and a captain there, and other words of mine imperfectly, and desired me to subscribe it; I refused, because of their imperfect setting down of my words, though I did not tell them so." Mr Wilson makes reflections upon this appearance of his before the council, for which I shall likewise refer the reader to Cloud of Witnesses, page 188–9. He is sorry he answered not the bishop when he said, that were a dis-

1683. tracted act, &c. that it was an act of more distraction to destroy religion. He explains his not seeing through the denial of the king's authority, and says he scunnered to own it, and that such things had been done, as in a well-guided commonwealth would annul his right; and yet he thought authority should not be cast off, without a probable power to support in this: and lastly, he gives the reasons why he would not determine anent the bishop's death, and regrets that he forgot to tell them, as he really designed, that the archbishop of Glasgow's laying down his gown, upon the making of the act explanatory, would be an aggravation of his sin, if he should own the king's headship over the church.

He came before the justiciary, May 4th, and I have inserted all that is in the registers. The lords take the short cut, and only name the day for the execution of the former sentence, passed in absence. In his papers, he gives account of what passed betwixt the advocate and him. The advocate represented the king's mercy to the four men who had taken the test in the pannel, with David Macmillan, and told him there was room for mercy, if you do not obstinately persist in your opinion. Where, by the bye, we may observe, it was precisely his matter of opinion his persecutors stuck at. He answered, "I have neither done any deed, nor given you any opinion but what I have justified from the Confession of Faith, which you have sworn lately, from the ancient reformation which you cannot condemn, and from the concession of your own doctor. What, says Perth, will you justify your taking arms at Bothwell? I said, your own test justifies the defence of the life of the harmless. He was asked, if he would bond before sentence, for there was no room for the king's mercy after sentence. He answered he would not, and at another day all sentences will be canvassed before the great Judge of heaven and earth."

After he had received his sentence to be executed upon the ninth, upon the seventh he was prevailed with by his friends to supplicate the council for a reprieve; and in his papers follow reasons, "why I refused to petition, as some advised, with a conference betwixt Sir William Paterson and me." The Cloud of Witnesses gives these a title of their own, "Reasons why he refused at first to supplicate the council for a reprieve:" and set down three of them as they are in his papers. 1. That he might be better advised anent his answers. 2. Because of his confusions since he came to prison. 3. That he might have longer time to prepare for eternity. All these, as may be seen page 190, he justly rejects; the first, as a quitting what he had said; the second, as a lie and slander on Christ's cross; and the third, as what he could not do in faith, since he had never doubted since he came to prison, but God would finish the good work he had begun; and he would not give enemies ground to say, "If he believed his salvation, he was their debtor for it," as his words are, and not as printed, as above. This mistake in the title and here I should not have mentioned, had there not followed a palpable untruth, page 191, in what follows after these words, "The only best way is to hold him when he is tottering." The compilers add, "notwithstanding all these reasonings against petitioning, he regrets it, that his relations induced him to petition twice." This is a slur upon this worthy man, that I must in justice clear him of. A double fault is committed here, with what views the authors know best. They suppose, after the strain of their own title, that these are reasons against petitioning; whereas he himself declares them only to be reasons against petitioning "in such a manner as some advised." And in the entry, they may see his strait, that he could think upon no arguments could be acceptable with them, without a receding; and therefore, as soon as the reason from his wife's circumstances is given, he falls in with it: but it is yet worse to say, that he regrets this matter, that he had been induced to supplicate; when he himself adds "he did it in faith, and had solid peace in what he did." This, if the passage hath been in their copy, I cannot account for, and must look on it as unfair dealing. To set all this in a fair light, I shall insert his own words, where they are pleased to stop in their account, after the sentence, "The only best way is

to hold to him when he is tottering;" and they are, "when all this is done, they come saying, Will you not seek your life? Yes, said I, if I might without sin; so they desired me to consider in my mind, and, after consideration, to give in a petition: so after consideration, finding nothing I could petition upon, but that which would rather raise than abate their anger, and verily thinking my wife should be as soon in her grave as I, and that the council would lay her blood at my door, as not willing to seek a reprieve upon her account, I petitioned merely in respect of her case, being big with child; doing this lest they should pretend ignorance, and my whole strain being to justify my sufferings to their consciences and the eyes of the unbiassed world; 'and for what I did herein, I bless the Lord I did it in faith, and had solid peace therein;' that their ridiculousness in taking away my life, might occasion a stop to the taking away that of others, if possible." He adds an account of some circumstances of the first application, and what followed, which I pass, and come forward to his conference with Sir William Paterson, which I cannot easily imagine why the foresaid authors left out; and I suppose there is somewhat more in it than their study of brevity, therefore I insert it here, as what gives us a further view of this good man. "Sir William, after some compliments, advises Mr Wilson to give in a petition, requiring some time to advise on his principles. Think you, says he, your principles so sure, and the rising in arms such a business, and so clear, that you dare die therein? *J. W.* As to that business of defensive arms, I have long ere now canvassed it to and fro. *Sir W.* What say you to that of our Saviour, 'All that take the sword shall perish by the sword,' and his reproving Peter in that defence, it being a most abominable murder to take away a man's life? *J. W.* I find our Saviour in another place, saying, 'Sell your coat to buy a sword.' *Sir W.* That is meant of the sword of the Spirit. *J. W.* That were a Quakerish tenet to deny all defence. *Sir W.* But what say you to my argument of Christ's reproving Peter at his death? *J. W.* That action of Christ's passion was a determined thing, wherefore he reproved Peter for desiring him to pity himself, and therefore he would suffer no defence whatever therein; and he approves defence in so far as he says, 'Suffer it thus far,' thinkest not thou that I could call so many angels, which to me, adds he, imports, if this were not a thing I must lay my account with, I need not want defence. *Sir W.* Think you yourself so well buckled therein, seeing there is so much difference among divines about it? *J. W.* What divines? *Sir W.* Protestant divines. *J. W.* That cannot be, for all the protestants in Europe have wrestled from under the yoke of popery by the sword; and I am sure, if there had been any protestant divines had so affirmed, Bishop Honyman, a man among you of the greatest learning, would have raked them up, but he is forced to confess them lawful in some cases; and though your brother said, that was a distracted act, yet I assure you, to me the act of undoing religion is far more unwise; and, as I said to your brother, if I should condemn defensive arms, I would condemn most of the protestants in Europe, and our worthy reformers, to whom, under God, we are obliged for so great a gospel light. *Sir W.* Though the reformation was good, the carrying of it on was treasonable. *J. W.* If I should say or think so, I should look on them all as damned men, conform to the apostle, 'He that does evil that good may come of it, his damnation is just.' *Sir W.* You must not think it a small matter to lay down your life on trivial things, and neglect your family, whose care lies on you, and your not providing for them makes you worse than an infidel. *J. W.* It is not trivials, but truths that are solidly grounded; and as to the care of my family, since the Lord called me to sufferings, I am commanded to leave them, or be unworthy of Christ. *Sir W.* You never make it out to me, but your blood and your family's will lie at your door. *J. W.* No, Sir William, for mine is not a naked opinion, but grounded on that Confession of Faith you have sworn, my catechism, to do all I can to save the life of my neighbour, and the word of God, 'Do judgment and relieve the oppressed;' and since it is, I dare not act against my conscience. *Sir W.* Will you approve of a multitude of men gathering,

1683.

1683. plundering, and robbing a country? *J. W.* Sir, as for any such commission I was both grieved and angry at it, and I wish such had not been among us: but I hope that could not be charged upon the generality, since they were known to be men of conscience; and as for my own part, I used such disgracefully where I had any power. Mr M'Gilligen was brought in at Sir William's desire, but said nothing. Sir William said, he was sure Mr Kirkton would not say with me. I said, I knew the utmost Mr Kirkton would go, was, that the enterprize was foolishly carried on, but would never condemn defensive arms. Sir William asked me, if death was not a terror to me. I said, no doubt, once it would be a terror to all men, but whatever it had been I had got submission to the Lord's dispensations. This is the sum of what past, omitting some needless commendations of me. *Sir W.* added, Think you all are damned that are of the episcopal church? *J. W.* I have learned the protestant doctrine better, than to think all are damned that are of the popish church. *Sir W.* Well then, may you not believe as we do, and be saved? *J. W.* No, for me to do but doubtingly is damnation, let alone to do against my conscience. *Sir W.* Conscience would be well informed. *J. W.* You see I have grounded it on what you have sworn, my catechism and the word of God. *Sir W.* Do not think the quitting of those things is the quitting of Christ, since there is no quarrel this day about the fundamental points of doctrine. *J. W.* Yes, Sir, it is, for since I have taken Christ for a King, and Prophet, if I contradict his council or command before men, I deny him; and since I have evidenced the truth of what I have spoken, I dare not contradict my conscience."

This conference had no influence to alter any of the sides; and so upon the 16th of May this solid judicious Christian was hanged at the Grass-market, with David Macmillan, of whom before. He left a testimony behind him, which is published in the Cloud of Witnesses, page 192–198; and thither I refer the reader to it. This is all offers upon this sensible person's trial. What is called his testimony, differs in very little from his own papers. Mr Wilson left likewise some advices to sufferers, which are before me, and most proper to be insert: but this process is swelled so much that I pass it, and come forward now to some more instances of the criminal procedure this year.

In June the circuit sat at Glasgow and Ayr, &c. where several persons were executed, and a good many forfeited, and many more remitted to Edinburgh; but the accounts of those are so large, that they deserve a section by themselves, especially when this is so much swelling; and indeed most part that I am afterwards to account for in this section, is with relation to persons discovered and attacked at the circuits.

The person who falls next in order, comes in upon another score, Andrew Guillan. He was the only person I can hear of who suffered precisely upon the archbishop's death. Hackston of Rathillet, as we have heard, was taken actually resisting at Ayrsmoss, but neither he nor this man were active in the bishop's murder. Andrew Guillan was a weaver who lived near Magus-muir, and all his share in the action was, that being called out of his house, he held their horses, and was witness to what was done. After this he was obliged to abscond, and served the best way he might in country houses, at some distance from the place where he had lived formerly. I have some letters under his hand, writ by him after he was taken August this year, whereby he appears to be a country man of some knowledge and seriousness. In one of them he gives account to his friend that he was taken upon the 11th of June, when at his work with a country man. The curate of the parish came by, and asked him where he was upon the Lord's day, and if he kept the church. Andrew told him he did not own him, and would give him no account of himself; whereupon the curate called for some people thereabout, and seized him, and carried him to Cockpen, where he was pressed to drink the king's health, which he refusing, saying he drank no healths, he was carried to Dalkeith, and there put in prison, and from thence taken into Edinburgh, where, after examination, he was put into the iron-house. All this time nothing was known

as to his being present at the bishop's death. While he was at Edinburgh some rumour of his being there, broke out, but they had not the least probation, till, as I am informed, the advocate trepanned him into a confession. At one of his examinations he was most pathetically aggravating the crime as a horrid murder, and directing himself to Andrew, he represented among other things, that when the bishop was upon his knees praying, they should have killed him; this, it seems, touched the simple country man so, that he got up his hands and cried out, 'O! dreadful! he would not pray one word for all that could be said to him.' Upon this, and what further they elicit from him, I find him staged before the justiciary.

July 12th, Andrew Guillan weaver in Balmerinoch indicted, that with others May 3d, 1679, "he stopped the bishop's coach, and shot at him, or that he was present when it was done, and was in arms, and fled with the rest, and that night gave thanks to God for that execrable murder." For probation the advocate adduceth his own confession.

Edinburgh, July 10th, "Andrew Guillan confesseth judicially, that morning when the company came to the Muir, Rathillet came and took him out; declares he was present in the company, concurring with the rest when the archbishop was killed; that he had a sword, that he was with them in the evening when one prayed, he thinks it was James Russell, and blessed God for their success; declares he cannot write." By his letters under his hand I am sure he could write, and in them I find he declines to own the authority of the chancellor, and his judges, and I imagine this confession of his is gathered up out of what they got him to say before them, which I do not think he would sign. However thus it stands in the records. The assize bring him in guilty of the bishop's death by his own confession, and he is sentenced to be taken to the cross of Edinburgh upon Friday July 20th, and to have both his hands cut off at the foot of the gallows, and then hanged, his head to be cut off, and fixed at Cupar, and his body to be carried to Magus-muir, and hung up in chains. His last speech is published more than once, and therein "he denies he dies as a murderer, though it be laid to his charge that he joined with those who executed justice upon a Judas, who sold the kirk of Scotland for fifty thousand merks a year, and vindicates their deed." It was noticed that he endured the torture he was put to with a great deal of courage. In cutting off his hands the hangman, being drunk, or affecting to appear so, mangled him fearfully, and gave nine strokes before he got them off. He endured all with invincible patience, and it is said, when his right hand was cut off, he held up the stump in the view of the spectators, crying as one perfectly easy, 'My blessed Lord sealed my salvation with his blood, and I am honoured this day to seal his truths with my blood.' After his body had hung in chains for some time, some people came and took it down, for which the country about was brought to no small trouble. I find May 27th, 1684, "The council grant a commission to the earl of Balcarras to pass a sentence of banishment on the persons who took down Andrew Guillan's body from Magus-muir, as being owners of the horrid murder of the archbishop of St Andrews." 1683.

The same day, July 12th, the process of Edward Atkin was before the justiciary. He lived in the Abbey-town of Crawford-john. He went out of Scotland with Earlston as a servant, and his guide, and was taken with him at Newcastle. He is indicted for treasonable converse with a rebel. He confesseth he knew Gordon of Earlston, and guided him through Clyde, and hath conversed with him sensyne (since,) and blesses God for the converse he hath had with him, though he be a declared rebel, and comes in the king's mercy. The assize bring him in guilty by his own confession of converse with Alexander Gordon of Earlston, and doing favours to him, though he knew him to be a forfeited and condemned traitor. The lords sentence him to be hanged at the Grass-market, on Friday 20th of July instant. This is severe enough, which yet we see very common at this time, to persons of greater rank than he.

1683. Most part now of the processes to the end of this year, in the criminal books, are with relation to gentlemen, who had been delated and put in the Porteous rolls before the circuits, and were obliged to come into Edinburgh, and appear before the justiciary. Those of them who could swallow the test, are dismissed, and others are bound over to after appearances.

July 18th, Sir Thomas Hope of Craighall, Skene of Hallyards elder, with many other Lothian gentlemen, are indicted for converse with rebels, and resetting them on their lands, of which, in some measure, one way or other, the whole gentry, east, west, and south, were chargeable. And upon their taking the test they are dismissed. The same day Holburn of Menstrie, and many other gentlemen with him, are indicted the same way, and dismissed upon their taking the test.

July 24th, a very remarkable process comes on as to the laird of Monkland, wherein he was dealt with very harshly, and I shall give an abstract of it as it stands in the records. This gentleman is indicted, "for being with four servants at Schawmuir, June 1679, keeping a council of war with the murderers of the bishop of St Andrews, that he conversed with them, entertained them at his house; that he entertained and received rent from tenants after they had been at Bothwell." After the reading of his indictment, Monkland made a most ingenuous acknowledgment of matters as they stood, and declared "that all his life he lived as a peaceable and loyal subject, that he never had been at conventicles, that he had obeyed his majesty's laws, that he never designed to rise in arms or rebellion; but the rebels being in great numbers near his house, and hearing that one of his children of seven years of age had strayed towards them, he went out to bring back his child, which he did, thinking it no crime, and if it be, he comes in the king's will." The process continued till to-morrow. Next day the advocate declares, "that he insists against the pannel that he was at Schaw-head-muir and Hamilton with the rebels who were in arms, that he stayed with them a whole day, that severals of them rode in company with him, that he conversed familiarly with them, particularly with two of his own servants, one of them now a captain, that after the defeat he conversed with those rebels whom he saw in the rebellion, and so to him were notour rebels." His process is yet delayed till next day. Every body must see how invidious this process was. Monkland lived within a very little to Bothwell, and the west-country army were all about him; unless he had left his own house and that country, it was impossible for him to escape converse, and he did no more than all the gentlemen in his circumstances behoved to do, and upon this score only he is processed for his life, when nothing else contrary to the present laws could be laid to his charge.

July 26th the advocate for Monkland protests, that the pannel had come in the king's mercy, and whatever be the event of the process, he still offers his life and estate to be disposed as his majesty thinks fit; that always denying the libel, his going to Schaw-head-muir was altogether accidental; that he had still been orderly and loyal, that he kept his parish church, paid cess, fled his house when the rebels came, and retired till the rebels were decamped from Schaw-head-muir, when coming to his house about 5 at night on Tuesday, and calling for his only son, a boy of seven years of age, was told he was amissing for some hours, and that they had been seeking him without finding him, he concluded some herds had carried him to Schaw-head-muir, where there was a crowd of spectators upon the rebels; that he went thither and found him, and put him behind his servant, and did not, when there, mix, march, nor rendezvous with the rebels, but remained at distance from them, and in half an hour returned, and so cautious was he, that next morning he left his own house, went secretly into Hamilton, where he lay hid for three days, and found means there to send earnest desires to his brother-in-law, who was with the rebels, to leave them, as an enterprise which would be ruining: and all this is offered to be proven as sufficient to elide the libel. The advocate replies, that the act libelled was treasonable, and the circumstances could never palliate nor alter

it; that the circumstances prove only *quo animo* he went, which he was not at all obliged to inquire into; that he was held and repute to be with the rebels, and went to them to make his servant a captain, and reset his servants afterwards, which is a greater *indicium animi* than the circumstances pretended, which might have been done *dolose*. It is answered by the pannel's lawyers, that it is offered to be proven he only made inquiry after his son, and did not converse with rebels, and persuaded others to relinquish them, and that, as soon as he got his son, he removed; that as to his converse with rebels afterward, they were not convict in law, nor denounced at the head-burgh of the shire, and by act 126. parl. 12. Jam. VI. though rebels be denounced upon act of adjournal at the cross of Edinburgh, and this operate against the person himself, yet without its being done at the head-burgh of the shire, the subjects are in *bona fide*. Lastly, that the rebels condescended on, embraced the king's indemnity, and so converse with them is not treason.

After these reasonings the lords, by their interlocutor, "sustain the dittay relevant as it declares the pannel was at Schaw-muir with the rebels when in arms, and was riding and walking amongst them; that his seeing them he conversed with in the rebellion was sufficient to make them notorious rebels as to him, though not denounced at the head-burgh of the shire." How far this is flatly in face of the act of parliament last cited, I must leave to lawyers: but this I am sure of, the first part of the interlocutor would have reached thousands as well as this gentleman. However, the matter is remitted to an assize.

Before the probation is led, the pannel confesseth he was at Schaw-head-muir, riding and walking with the rebels; that he saw two at the rebellion, with whom he afterward conversed, and from whom he received rent; declares his penitence, and comes in the king's will. The advocate declares, that he is commanded by the council not to receive the pannel in will, after he hath debated. And so probation is adduced, and witnesses depone they saw him at Schaw-head-muir conversing with the rebels; and one of them de- 1683.
pones he saw a cup in his hand. One of the witnesses, Thomas Forrest, when posed, declared he was not worth the king's unlaw, and yet the lords receive him as a witness. It was July 30th, when the assize find him guilty, and the lords adjudge him to be beheaded at the cross of Edinburgh, August 10th next, and he is forfeited in common form.

When this gentleman's estate is taken from him, and his life brought in hazard by a sentence, interest is made for him before the council, and they reprieve him; and August 21st the chancellor writes the following letter to the secretary.

"RIGHT HONOURABLE,

"There being a petition addressed to his majesty's privy council, by Robert Hamilton late of Monkland, and the council being informed by the justices, that all alongst his trial, he offered to come in his majesty's will, and pass from any legal defences, and offered to take the test, they thought fit to recommend to his sacred majesty for a remission, and to desire your lordship in their name to interpose."

How this came to be delayed, I know not, but December 6th I find Robert Hamilton of Monkland reprieved until the last Friday of April next, in order to the expeding of his remission. April 3d Robert Hamilton petitions to be liberate, in regard to his valetudinary condition and gravel. The lords reprieve the sentence of death he is under, till the second Friday of November. After that I meet with no more about him in the registers. This gentleman was as hardly dealt with as many; nothing was proven but necessary converse with the west-country army. He was defrauded of eight years' rent of his estate, which amounted to 16,000 pounds; he was imprisoned seventeen weeks, and left his business at Edinburgh, which was better than his estate. Meanwhile, he was regular, and had not given the least evidences of what was reckoned disloyalty. This oppression and hard dealing afflicted him so, that he sickened and died, and his son, at the revolution, was obliged to sell the half of his estate.

1683. I go on to give what I meet with further in the justiciary registers. July 24th, a great number of persons, indicted by the Porteous rolls for the rebellion and reset of rebels, about fourteen gentlemen, and near a hundred commoners take the test, and are dismissed. We shall have a great deal of this, this year and the following. The same day, another set of gentlemen and others remitted by the justiciary courts in the country, appear before the lords, and are committed to prison, being indicted, by the Porteous rolls, for rebellion, reset of rebels, and other treasonable crimes. The reader will easily perceive, that in such numbers I cannot give particular accounts. Some of them we shall afterwards meet with, others of them lay a considerable time in prison, and at length, by paying great sums of money, made interest, and got out upon bond; and all I can do, is to set down their names, and the hints I meet with about them, in the council and criminal books. And, indeed, very few gentlemen on the south side of Forth, of any virtue and sobriety, escaped, this and the following year: such who had friends in the government and army got easier off, and others were brought to a vast deal of trouble and charges. Their names who this day were imprisoned, are, John Porterfield of Duchal, of whom before, and whom we shall afterward meet with, James Hamilton of Aikenhead,* though I find him urged to be an assizer at some of their courts, Mr Andrew Hay of Craignethan, William Bredin of Whelpshill, John Gilkers heritor in Biggar, James Paterson in Shields, James Dunlop of Househill, George Muirhead of Stevenson, Mr John Banantyne of Corehouse, since the revolution, a good many years minister of the gospel at Lanark, George Houston of Johnston, John Pirrie in Nuik, Gabriel Hamilton of Westburn, Allan Wat in Kirkton, Andrew Mack in Harestocks, Donald Richmond in Harestocks, James Bruce in Netherton of Hamilton, Thomas Alston of Mynes, James Strang, Archibald Roxburgh shoemakers in Hamilton, John Muir, John Robertson, Robert Wilson, Andrew Ross, John Allan, William Paterson, John Alexander, Thomas Bowis, Thomas Dinning, William Smell, James Brown, all of them in Hamilton, James Muirhead of Bradisholm, James Murray portioner of Auchinreath, John Murray there, Patrick Park writer in Glasgow, Marcus Marshall merchant there, Andrew Kennedy, alias Weir of Clowburn.

July 25th, I find another good large company sent to prison, as indicted in the Porteous rolls, in the same circumstances with the last named gentlemen. John Young in Linbank, Eliezer Allan; John Allan his son, Thomas Allan younger of Coldstream, James Young chamberlain of Evandale, James Stuart of Hartwood, John Fisher in Covington-mill, James Crichton merchant in Biggar, James Gilkerson in Side, Matthew Hamilton son to Gavin Hamilton in Haws, Alexander Cunningham of Craigends, William Muir of Glanderston, John Anderson of Dovehill, of whom before, Alexander Muir in Pentland, Thomas Young in Cothill, John Meikle in Nuickfoot, Gavin Semple in Overton, John Steil elder in Brakenridge, John Cochran in Cairnduff, William Thomson in Waterhead, Alexander Hamilton in Haws, Sir John Maxwell of Nether-Pollock, whom we shall meet with afterward, Sir John Shaw of Greenock, John Chiesly of Carswell, Gavin Muirhead of Lauchop, Sir Alexander Hamilton of Haggs, James Chancellor of Shieldhill, Mr John Hamilton of Halcraig,† William Forrest of Maschoch-mill, Matthew Thompson in Bothwell, John Naismith in

* It is recorded of this respectable gentleman who suffered so often and so severely in these times, that he had not fewer than thirty children in all—twelve by his first wife, Anne, daughter of John Porterfield of that ilk, eight by the second, whose name is not known; and ten by the third, Margaret, daughter of James Muirhead of Bredisholme, by Grizel, daughter of James Hamilton of Westport. The present representative of the family is James Hamilton of Holmhead. *Robertson's Ayrshire and Anderson's Ham.* p. 305.—*Ed.*

† Of this family there are three brothers all honourably distinguished as sufferers for the good cause—John, Patrick, and William. The two last were distinguished preachers. The first succeeded his father Archibald Hamilton in the estate of Halcraig in the county of Lanark. His son Sir John was also severely persecuted during the reign of James II. After the revolution he was made one of the lords of session, and was knighted by King William. The family seems to be now extinct. *Anderson's Hamilton*, p. 302.—*Ed.*

Allarton, Robert Hamilton of Burnbrae, James Loudon litster in Hamilton, John Muirhead, Andrew Little, John Wright, Robert Alston, James Mack, William Matthie there, William Cook, John Loudon in Carphin-bridgend, Mr William Russel chamberlain to Sir Daniel Carmichael, Sir Robert Sinclair of Stevenson, William Bailie of Lammington, Alexander Durham of Duntervie, Mr William Douglas of Bads, David Oswald of Eastbarn, Sir Patrick Hepburn of Blackcastle, Adam Cockburn of Ormiston, Mr James Mitchell son to Owletson, John Flint in Breichmill, John Wallace in Cleugh-head, Andrew Rob in Wailsley, Mr Patrick Inglis portioner in Eastbarns. At the same diet of the justiciary court, the following persons are denounced. William Thomson procurator in Lanark, Gideon Crawford merchant in Biggar, James Muirhead younger in Lanark, Alexander Brown merchant there, John Clelland portioner of Stane, James Thomson in Harestocks, John Browning there, David Gilkerson tenant to Mauldsley, Umphrey Stevenson in Killairn, John Forrest in Threpwood, Alexander Smith in Harestocks, John Scot in Cleddans, John Naismith there, John Naismith shoemaker in Hamilton, William Bell there, John Simpson maltman in Glasgow, Archibald Scot smith in Gorbals, John Marshall of Chapel, Robert Murray in Overton, Thomas Allan portioner in Forrest, and John Marshall in Kilsyth. The above-named persons having been often called, to have compeared to underly the law, for the crimes of treason, rebellion, harbour, and reset, &c. lawfully cited, and not compearing, the lords denounce them outlaws and fugitives, and appoint them to be put to the horn, and all their moveable goods to be brought in for his majesty's use. The same day, John Hamilton of Stonehall, Thomas and James Alstons of Mayns, James Muirhead of Bradisholm, James Hamilton of Hallside, John Hamilton of Bogs, offered themselves to abide their trial; and no witnesses being adduced against them, they protested against further continuation. The lords desert the diet *simpliciter*, and yet we shall find some of them brought afterwards to no small trouble. This day likewise, a great many took the test, and were dismissed. 1683.

July 30th, a good number of gentlemen and others, appear, as indicted in the Porteous rolls, as formerly mentioned, and are sent to prison. John Peltin in Whitehill of Lesmahago, Archibald Crawford of Auchinmains, John Cannon of Headmark, James Galloway of Shields, Mr William Rankin late schoolmaster at Ayr, Thomas Macneillay in Ochiltree, John Speir there, John Forrest in Langhouse in Carluke, Andrew Prentice, David Dykes, Andrew Hutchison of Sorn, Dunlop of that ilk, Fergus Macrubben of Knockdallen, Fullarton of that ilk, David Boswell of Auchinleck, George Fullarton of Dreghorn, Andrew Ramsay baxter in Ayr, David Blair of Adamton, John Smith of Roddindykes, John Ramsay, Sir Daniel Carmichael of Mauldsley, and Walter Lockhart of Kirkton; and at this sederunt, I find upwards of an hundred, who had been cited, took the test, most of them common people.

Some of the indulged ministers come next on the field. They had been insert in the Porteous rolls, and remitted by the circuit to Edinburgh, and I shall give all I meet with concerning them here. August 2d, Mr Robert Miller indulged at Ochiltree, Mr John Campbell, Mr Anthony Shaw, Mr John Veitch, Mr Robert Boyd, Mr William Bailie of Hardington, and Mr James Veitch, indulged ministers, appear, and are indicted of the treasonable crimes contained in their dittays respective, in the Porteous rolls. The lords ordain Mr Anthony Shaw, and Mr John Veitch, to be carried to prison in the tolbooth of Edinburgh, and continue the diet against the rest, until the second Monday of November. We shall find Mr Anthony Shaw let out in a few days. I meet not with them again till December 10th, when I find that Mr Veitch's diet is deserted on caution, that he compear when called, and the rest are continued till December 17th, when Mr Robert Miller appears, and hath his indictment read, charging him of converse with such as had been at Bothwell, and he offers himself to abide trial. The king's advocate declares he is not ready to insist, and was well informed the pannel had behaved him

1683. self dutifully and loyally, in reading his majesty's proclamation and declaration anent the plot, which, as we shall hear, all the indulged ministers did, and preaching against it. The lords ordain him to find caution under three thousand merks, to appear when called. "Mr Robert Boyd is known to have been notoriously loyal, and that he refused to read the rebels' declaration, and there being no probation against him, the lords desert the diet *simpliciter*." The other two are continued till the 19th. This same day the lords find, that Mr William Bailie of Hardington, hath departed this mortal life, and his diet is deserted. December 19th, Mr James Veitch, and Mr John Campbell, indulged ministers, are remitted by the lords of justiciary to the privy council, and the advocate is ordered to pursue them, and they find caution to appear, and we shall meet with several others of them next year.

That same day the following persons were sent to prison, in the manner, and upon the accounts foresaid. James M'Ewen in Stewarton, Robert Johnston, Robert Murray, and Alexander Hume of Abbey, are ordered to be carried prisoners to Haddington. William Ker, uncle to Greenhead, John Scot of Wool, Mr Francis Gladstones of Whitelaw, George Douglas of Bonjedburgh, Gideon Scot of Waterside, George Ramsay of Iddington, John Douglas of Stonehouse, John Grierson of Barjard, William Glendoning of Partan: some of those were papists, if I mistake not, who were so honest as to refuse the test, and as to them there was no hazard under this administration. These were ordered to Edinburgh prison, with Sir John Riddel of that ilk, John Maxwell of Gribton, Robert Carlisle, James Lindsay, James Hume brother to Bassinden, Hugh Dunbar of Knockshinnoch, and Robert Nisbet of Greenholm. That same day, about thirty persons, mostly tradesmen and country people, were declared fugitives. I need not insert their names, since in a little time the fugitive rolls were printed, and they will have a room in the Appendix; only I find in the same day's records, Burnet of Carlops, Turnbull of Know, and six or seven meaner persons, are denounced and fugitate upon noncompearance. And Thomas Riddel, brother to Sir John Riddel, Mr James Daes of Coldingknows, Walter Scot of Harwood, Sir John Scot of Ancrum, and Mr George Scot of Pitlochie, indicted from the Porteous rolls, for treason, rebellion, and reset and converse, being out of the kingdom at the circuit, their absence is excused, and the lords desert the diet. At each of these sederunts great numbers take the test, and are dismissed.

August 7th, after some days' imprisonment, the lairds of Lammington, Ormiston, Stevenson, Stonehouse, Shieldhill, Adamton, Mr Hugh Gray of Dalduff, indicted as above, they are brought into the pannel, and the advocate declares, that upon a precognition taken, he finds nothing proven against them, and therefore the lords desert their diet *simpliciter*.

We heard upon the 25th of July, the laird of Glanderston, with many others, was imprisoned. This worthy gentleman, now laird of Caldwell, was liberate upon the eighth of August. His case deserves particularly to be observed, and I am able to give it from authentic papers he was pleased to communicate with me. That excellent family had been by principle presbyterian, and remarkable for virtue, religion, and usefulness; but withal managed themselves at this time with that caution, that they could not be reached even by the present laws. And when a legal footing failed, a libel was trumpt up against this gentleman, because in the extremity of a fever, Mr Spreul an apothecary, who was a nonconformist, had been called to let blood of Glanderston. Had I as particular accounts of many of the multitudes I have been naming as imprisoned just now, I can assure the reader, they were almost all as ill-founded and malicious as this gentleman's I am now upon, and those of them I know were no ways concerned in any thing illegal or disloyal. This gentleman's case will best appear from his petition to the council, and the act of the justiciary, and both being short, I insert them. His petition to the chancellor and council bears. 'That whereas he being indicted before the lords of his majesty's justiciary, for intercommuning with James Spreul surgeon in Paisley,

and imprisoned, yet the petitioner is in this singular case, that though the libel were true and proven, yet it could not infer any crime and guilt against him, since he is able instantly to prove these relevant defences viz. Imo. By the books of adjournal, that the said James Spreul was not rebel denounced, or any proceedure against him, that could put the lieges in *mala fide*. 2do. By witnesses in town, that the said James Spreul was so far from being held and repute to have been at the rebellion, that he kept at the time libelled a public shop at Paisley, and was employed as surgeon by persons of all qualities, officers of his majesty's army, privy counsellors, and particularly by the late lord Ross in a long sickness before the pretended employment by the petitioner: and further, when he was called to me, I was in *extremis* under a violent fever, so that I was neither capable to call, nor sensible to know or converse with any that was called. And *de facto* he was called in that extreme necessity by your petitioner's wife, a stranger in the country, some few months after she came hither, or by his domestics. In respect whereof, may it please your lordships to recommend his case to the justiciary, that so innocent a person may be liberate.' This petition, which was plain fact, may give us a view how invidiously and groundlessly gentlemen were processed for their lives and estates at this time. It lets us see the justice of the council. Though they received this petition, and some of them knew the matters of fact, July 26th, yet the gentleman must lie in prison so many days. In fine, we see that the justiciary, though a supreme court at this time, were entirely under the direction of the council, and gentlemen behoved first to make the council their friends, and then sooner or later they would be safe before the justiciary.

Whether he got a direct recommendation to the justiciary I know not, but his business was done, as appears by the original act. "Edinburgh, August 8th, 1683, which day William Muir of Glanderston, entered upon pannel, indicted and accused for resetting rebels, in so far as James Spreul, apothecary in Paisley, a notorious rebel, was actually in the rebellion 1679, and having thereafter returned, was harboured, entertained, assisted, aided, supplied, and done favours to, and had lodging, meat, and drink from him, and also conversed with William Cunningham of Bootston, in manner mentioned in his dittay. Compeared Sir George Mackenzie his majesty's advocate, as pursuer, and the said William Muir of Glanderston, with Mr Archibald Hope of Rankeilor, advocate, his procurator, and declared he was altogether innocent of the libel led, and offered to abide a legal trial for clearing hereof. And as to the reset of William Cunningham of Bootstone, the same was no crime, the said William being a most loyal subject, and a person who was actually in his majesty's service against the said rebels, which he hath proven in presence of the lords of justiciary. And as to the reset of James Spreul, that the time when he came to his house, he was in a high fever, and in the hazard of his life, and was sent to without his knowledge by his lady, and how soon he let blood of the defender, he immediately returned home. And for proving of this, adduced several famous witnesses, who being solemnly sworn, and the Lord Justice Clerk and commissioners of the justiciary having considered all, find the said William Muir of Glanderston his defence sufficiently proven, and therefore deserted, and by thir presents desert the diet *simpliciter*, and declare his cautioner free. Whereupon he asked and took instruments. Extracted out of the books of adjournal by me Mr Thomas Gordon, clerk to the justice court. 1683.

"THOMAS GORDON."

By the registers I find, the same day, the laird of Westburn is liberate upon his petition to be tried, nothing being found against him in the precognition. Chiesly of Carswell and the laird of Aikenhead are set at liberty, upon their giving bond and caution, under large sums, to compear in November. Alexander Dunlop of that ilk is liberate upon his resignation of those lands upon which he had reset rebels, and a bond of ten thousand pounds to appear in November next. There were a great many instances of this iniquitous and oppressive resignation of lands into the managers'

1683. hands, in this period. The laird of Closburn, being ill of the gravel, was let out of prison upon his giving bond under ten thousand merks to compear in November. William Ker, Lauchop, Haggs, and Gribton are liberate on bonds to appear in November. The same day the lairds of Johnston, Hume of Abbey, Sir John Riddel, Fullarton and his brother, are likewise liberate. August 9th, many others, who were before imprisoned, as we have heard, Sir John Maxwel, the laird of Hartwood, Househill, Mr Anthony Shaw, and about sixty others, are liberate by the lords of the justiciary, upon the production of an act of council, before whom, it seems, they had found caution to compear when called. The reason the council give, is that the probation against them is not ready, and the prisons are throng. Some others whom they designed shortly to be at, were confined to their chambers in Edinburgh. August 21st, Sir Daniel Carmichael of Mauldsley, is liberate from prison, upon bond of twenty thousand pounds to appear when called, and Lockhart of Kirkton is liberate upon bond to compear the second Wednesday of December next, under penalty of four thousand merks.

Earlston's process before the justiciary is very short, upon the same day. They proceed upon the former sentence, and only name the day for execution. "The lords find the pannel, Alexander Gordon of Earlston, was found guilty of treason by an assize, February 19th, 1680, and adjudged to be executed and demeaned as a traitor, when taken; being now apprehended, he is sentenced to be beheaded at the cross of Edinburgh, September 28th next." This is all I find about this gentleman in the criminal records. In the council registers there is much about him, but I shall not enter into any larger detail of his affair. He was taken going to Holland the last of May, or first of June this year, which made a mighty noise, and people thought a great discovery would have been made; every body was upon the scent and chase as to the plot against the king's life, and the council and bishops hoped for wonders out of Earlston's papers, but there was nothing of that kind to be found in them. The real account of that matter in short stands thus. Earlston had been abroad very much since Bothwell; he came home this spring, and joined himself to the society people, where he was safest from falling into the manager's hands. In April or May, at one of their general meetings at Edinburgh, I find, by the original records of the societies, that he was pitched upon by the general meeting to go again to Holland, and joined in a commission with Robert Hamilton, brother to the laird of Preston, his brother-in-law, for representing the true condition of these people and their principles to the reformed churches abroad. I have before me the copies of their commission and instructions, and several letters and representations they sent with him, too long to be inserted here, but they have no relation at all to the English plot. I find by an original letter in my hands from Earlston to the societies, dated Newgate, June 9th this year, that when he had got safe to Newcastle with Edward Atkin his servant, formerly spoke of, and was aboard a ship for Holland, some waiters came and challenged them being strangers. Earlston fearing the seizure of the papers he had with him, dropped them into the sea, where they were noticed, and taken up, and both of them seized and sent up to Newgate, whence they with the papers were sent down to Scotland to be tried. June 2d, the council write a letter to the Mayor of Newcastle upon this affair. "Sir, we received your express, wherein you acquaint us with two persons apprehended and committed to his majesty's gaol in your town, with whom are found several seditious papers and letters, and that these persons were going beyond sea, under the names of Alexander Pringle and Edward Livingstone, but were by your care prevented, and their papers, which they attempted to destroy, preserved. Colonel Struthers also hath sent us copies of some of these seditious papers, the originals whereof you have done well to send to his majesty. We are very sensible of your care and zeal in his majesty's service, and return you thanks for acquainting us therewith, and desire you may be pleased to detain them in separate prisons, and continue

your care in searching for suspect persons, guilty of pursuing seditious courses in this kingdom; for we have reason to believe that several rebel-preachers, and other fugitives from justice, do lurk concealed in and about your town. We shall not be wanting to inform his majesty of your zeal in his service. Yours, &c.

"ABERDEEN."

At the same time they write another letter to Colonel Struthers, signifying, they received his of the first instant with the copies of some of the papers, thank him for it, and desire him to continue his diligence in discovering seditious and suspect persons in the north of England. The council were very exact in the examination of all the papers, when sent down to them. They drew up their queries and written answers from Earlston; he was most ingenuous in giving accounts of all he knew with respect to the papers, as I find by a copy of his answers to the council queries, and there was indeed nothing in them save commissions and instructions to him and Mr Hamilton, with letters to some Dutch ministers and Scotsmen in Holland, and papers on civil business. And after all their endeavours to find somewhat relative to the plot, they could fix upon nothing, for nothing was to be found of that nature. Nevertheless the managers, after the justiciary had renewed their former sentence of death upon him, resolve to put him to the torture. And being straitened in point of law to torture a person under sentence of death, the council write the following letter to the secretary, dated August 21st. "Right honourable, Alexander Gordon, late of Earlston, having been frequently brought before, and examined by the council, and in committees by some of their number, and from whom, it seems, nothing more can be had from all the interrogatories they could propose to him, than what hath been already put in writ, and sent to his royal highness and your lordship, and the council having had under their consideration what is further to be done anent him, he being a person under the sentence of death for high treason, thought fit, in regard there are only in town three of the justices, the rest not being to be here till November, to desire your lordship to take advice of his majesty's advocate, (now at London if by the laws of this kingdom, and in the circumstances he is now in, being under the sentence of death, he may be put to the question by torture, upon such pertinent questions as your lordship and he shall think fit to draw up. And if he find that he may, by the laws of this kingdom, be now put to the torture, that the advocate, as soon as may be, come down himself and answer any thing that shall happen to be objected against it by the said Earlston, or send a commission to some fit person to do it for him in absence, against the next council day, September 11th, with such interrogatories as shall be thought fit to be proposed, that the council may do justice in that matter. The justices having met this day have given us an account, that they have appointed the 28th day of September for putting the sentence of death in execution against Earlston. I am, &c. 1683.

"ABERDEEN, Cancel. I. P. D."

An answer came not to this letter until September 20th, when a letter from Middleton secretary, dated September 14th, to the chancellor, is read, and follows. "My lord, in answer to yours of the 21st of August, I am now by the king's command to acquaint your lordship, that his majesty in a full quorum of his privy council of Scotland now here, proposed to his advocate, whether Alexander Gordon, late of Earlston, notwithstanding of his being condemned to die, might be put to the question by torture. His answer was, that though no man can be put to torture upon interrogatories only relating to the cause for which he was condemned, yet he may be tortured with relation to plots, conspiracies, and combinations that have happened after the time when the crimes were committed for which he was condemned. And since it is undeniable that the said Alexander Gordon did accept a treasonable commission from rebels, and it doth appear by a letter direct to him from J. N. dated at London, March 20th last, that he was privy to the late horrid conspiracy against his majesty's person and government, and yet refuseth to

1683. give an account either of those from whom he received the said commission, or such as he knows were accessory to the said conspiracy, and both these points being of so great consequence for the future security of his majesty's person and government, it was therefore resolved by his majesty, that the said Alexander Gordon shall be put to the torture, and interrogate on what may pertinently relate to these two heads, to wit, as to those who have had accession to the granting the said commission, or the said conspiracy, of which it is his majesty's pleasure you acquaint the lords of his privy council. I am, &c.

"MIDDLETON."

In pursuance of the above letter, the council that same day nominate the marquis of Douglas, earls of Tweedale, Winton, and Linlithgow, the lord Livingstone, general Dalziel, the president, lord Collington and Castlehill, or any five of them, as a committee, to meet Tuesday next, at ten of the clock, forenoon, in the ordinary place, and consider the interrogatories to be put to the said Alexander Gordon, and see him questioned in the torture upon them, and others arising from them, and generally with power to them to do all things requisite to that purpose, as they shall see fitting; and ordain all the members of the justice court to be present, and Mr George Bannerman, as having commission from the advocate, to draw interrogatories pertinent relating to the said two heads, and to be present with the committee. Accordingly, September 25th, the foresaid counsellors examine Earlston, with the instrument of torture standing by, but did not apply it, he protesting he would be as ingenuous and more full than he could be in torture. The interrogatories and his answers are already printed in doctor Sprat, late bishop of Rochester, his account of the Rye-house plot, though with some mistakes; and so I shall not say any thing of them here, but that neither the plot against the king's life, nor the design of rising could be fixed on this gentleman, or the people who sent him, who really knew nothing of the matter. All I find further in the registers upon this gentleman's case is, November 23d, "Upon a new letter from the king, the council order Earlston yet to be put to the torture: but when he is brought in, he appears to be in distraction, and physicians were called to consider his case. November 27th, the physicians report he is affected with that distemper called *alienatio mentis*, and advise he may be sent to the castle, that by the change of air his case may be better known. December 7th, Earlston petitions for pious divines to be sent to him, that he may have the benefit before his death, and as a dying man declares his innocence of any plot against his majesty, prays for the king, and adheres to the answers he gave to the interrogatories. He is reprieved till the last Friday of January. January 17th, Earlston's reprieve is continued till the last Friday of April, and his petition for pardon transmitted to the secretary. April 11th, he is reprieved again till December. And in May he is sent to the Bass for his health. In September following he is made close prisoner." Thus he continued confined sometimes with more liberty, and sometimes less, with his excellent lady,* until he was liberate by the revolution. And all the endeavours of the bishops and managers, to fix the plot against the king's person upon Scots presbyterians, came to nothing.

To return again to the proceedings of the justiciary, the same day that Earlston received sentence, they order "the lady Moriston, a pious and sensible gentlewoman, to go forth out of the kingdom before the first of November, and appoint this to be intimate to her." No more is to be found about her in the registers. She appears in

* Janet Hamilton, daughter of Sir Thomas Hamilton of Preston, was born 12th June, 1655, married 11th November, 1676, to Alexander, afterwards Sir Alexander Gordon of Earlston, Bart. the worthy representative of a family long distinguished for its patriotic struggles in the cause of civil and religious liberty, and died 26th February, 1697. She shared the persecutions of her husband at home and abroad. Her character has been eulogized by the impartial historian of the church of Scotland (Wodrow), and her religious meditations in the solitary dungeons of the Bass have been frequently republished under the title of "Lady Earlston's Soliloquies." *Anderson's History of the Hamiltons*, p. 355.—*Ed.*

to have been cited, or any probation led against her, but summarily is banished for her respect to the gospel and sufferers.

Upon the last of August the council grant commission to Mr George Bannerman advocate, in absence of his majesty's advocate, to pursue a process of forfeiture before the justiciary against Mr John Dick and George Lapsley. And September 4th, I find them both indicted before the criminal court, and Mr John Dick condemned to be hanged at the Grass-market, September 28th, but the escape of the prisoners, spoken of before, September 16th, prevented the execution for some time, and I shall delay the account of Mr Dick's process till next year, when he again falls into their hands.

It seems, at this diet the court had not time to come to a sentence against George Lapsley, and I find no more about him in the registers. He escaped with the rest of the prisoners, and was not again catched. From an attested account of his sufferings, I give what follows. He was for some time miller in Linlithgow mill and among multitudes of others, had a real change wrought on him by the gospel preached in the fields. At Bothwell he was shot through the leg, and made prisoner. When before a committee of the council, he was very bold in his answers to their interrogatories. Bishop Paterson attacked him first, and when he asked, if he thought Bothwell-bridge rebellion, he answered, "Sir, you are a perjured prelate, I'll answer you no questions." He did not refuse to answer the other lords of the committee, as appears by the following hint of what passed. "*Question.* Wherefore are you in prison? *Answer.* For hearing the gospel. *Quest.* Do you go to church? *Ans.* No. *Quest.* Wherefore? *Ans.* Because they are not the sent ministers of Christ, and because of their perjury. *Quest.* Will you own the king's authority? *Ans.* According to the word of God and covenants, and no otherwise, which you have broken and burned, for which the Lord will be avenged. *Quest.* Did you write to Mr Dick? *Ans.* Yes. *Quest.* Who wrote the letter? *Ans.* I will give no account. *Quest.* Was the bishop's death murder? I am not concerned with his life or death either. *Quest.* Was Hackston's death a murder? *Ans.* Yes, and all those whose lives you have taken these two-and-twenty years. *Quest.* Was you at Bothwell-bridge? *Ans.* I will not accuse myself. *Quest.* What thought you of it? *Ans.* "I thought it duty and not rebellion, and all that were on the contrary party were in rebellion against God, and that ye will find. *Quest.* Did you converse with Mr Welsh? *Ans.* Yes, and I bless God for it. *Quest.* What book is that under your arm? (he had been brought in suddenly before the committee, when he had been reading the Bible in prison, and he had it with him.) *Ans.* It is the acts of the parliament of Heaven, and I charge you as ye shall answer at the great day, when ye and I shall stand in equal terms, that you judge me according to what is contained in it. *Quest.* Is it lawful to resist the king's forces at the field-meetings? *Ans.* Yes, the law of nature allows self-defence, and the word of God and our covenants, to stand to the defence of one another." 1683.

It was much, after such bold answers, that he was not condemned, and had not the breaking of prison prevented it, no doubt sentence would have been pronounced; but he escaped, and lived a merchant in Edinburgh for many years after the revolution.

By this time the justices seem wearied of their long and close attendance, and the multitudes they had before them, and therefore, September 19th, they empower the clerk to take caution of the meaner commons in the fugitive roll, or bonds, if they cannot find caution for their appearance, of an hundred merks each, and thereupon to relax them. And November 12th, an act of council is produced of that day's date, empowering the justices to prorogate the diets of such as were liberate in July, and yet enacted to appear at this time, until such diets as they find best, with respect to such persons as the advocate declares he is not in a readiness to prosecute; and that day diets are deserted in a great many processes for sodomy, adultery, murder, theft, &c. and multitudes of gentlemen and heritors, referred to this diet for accession to the rebellion, reset, and converse, are continued,

and some deserted *simpliciter*, just as
1683. they procured interest with the managers, and paid sums of money to the advocate and others, to get favourable sentences.

November 28th, the three countrymen are indicted before the justiciary, for treason, and being at Bothwell. I know no further about them, but what is in the records of the criminal court. They had been before the council November 26th, and no probation is adduced, but their own answers there to the interrogatories propounded, and all the three are hurried into eternity, November 30th, for their accession to that rising, now near five years ago. They were persons from whom the government had nothing to fear, and their blood was shed, for what I can see, merely out of love to blood. Their process stands thus in short.

John Whitelaw, sometime in Stand, in New Monkland, in the shire of Lanark, is indicted as above. For probation his confession is read to him, and is in short, "John Whitelaw declares he thinks Bothwell-bridge lawful, that rising being in defence of the gospel. He thinks himself and these three nations bound by the covenants. That it is above his reach to tell whether the king be lawful king or not. Confesseth he was some time with the rebels at Bothwell, but not at the battle, and that he had a sword. Refuses to say 'God save the king,' this not being a proper place for prayer, and if it mean his owning his authority, he has spoken as to that already. Declares he can write, but will not sign what is above. Being interrogate if his judges were lawful judges, and if the archbishop's death was murder, he answers, those questions are above his reach."

Arthur Bruce, in Dalserf, in the same shire of Lanark, is next indicted, and his confession adduced as probation. "Arthur Bruce confesseth he was at Bothwell, and had a sword; that he was with the party who took away one of Dalziel's horses; refuses to say 'God save the king,' but said, 'God save all the election of grace;' declares he cannot say whether the archbishop's death was murder or not."

John Cochran, shoemaker in Lesmahago, sisted as above, confesseth, "that he was at Drumclog and Bothwell-bridge, and had a fork; refuses to pray for the king, or own him as his lawful king; will not tell what he thinks of the bishop's death." The assize bring them all three in guilty, by their own confession, of being in the rebellion, and they are sentenced to be executed at the cross, Friday next, November last.

The sentence was executed, their speeches at their death are remaining, and that of the last published in the Cloud of Witnesses, and therein he acknowledges the king's authority, in as far as, according to the word of God, he observes, to the support of all in a suffering lot, that when the storm blew hardest, the smiles of God were sweetest, and died, leaving his wife and six children, with much confidence, on the Lord, in much peace and comfort, as likewise did the other two.

I find the lairds of Partan and Barjarg, the first is a papist, what the other is I know not, appear before the justiciary for refusing the test, and converse with fugitives. The lords, December 3d, find their fathers were useful to his majesty's service, and they order them to be liberate, and desert the diet *simpliciter*.

December 10th, a good many gentlemen and others, mostly from the west country, appear before the justiciary, Sir John Shaw of Greenock, in the shire of Renfrew, John Anderson of Dovehill, Mr George Skirvin chamberlain of Kinniel, James Young chamberlain of Evandale, and about sixteen others, and are staged for treason, rebellion, and doing favours to rebels. The advocate declares he is not ready to insist against them. The lords oblige them to find caution to appear when called, and liberate them. The same day Mr Andrew Hay, George Ramsay of Iddington, John Porterfield of Duchall, Sir Patrick Hepburn of Blackcastle, Sir Daniel Carmichael, and several others, are continued to several diets in March and April next, and we shall meet with several of those next year, under new and severe sufferings; and with those gentlemen twelve other country people, upon their giving bond under five hundred merks, to compear when called, are liberate. At the same diet it is represented to the justiciary, in the petitions of a great many country people, from all quarters of the country, that merely out

of malice they were put into the Porteous rolls, as guilty of reset and converse with rebels: the lords find it is so with relation to severals, and the diets of such are deserted, and the diets of others of them continued; but I remark no rule is laid down to prevent this in after Porteous rolls. That same day about twenty, who being cited to this diet, and yet compeared not, were declared fugitives and put to the horn.

December 17th, as to Mr Matthew Campbell in Ayr, the lords desert the diet *simpliciter*, because no probation. Mr Anthony Shaw is continued till January next. Multitudes this day are continued, and as many have the diet deserted. I find some persons assoilied by the lords, upon their representing, that at one circuit they were assoilied by an assize, and notwithstanding called to the next that came about, upon nothing new, and thus sadly harassed, and not compearing again, after being once or twice assoilied, they have been fugitate and persecuted; the lords order them to be liberate. A vast many instances of this and the like treatment might be given, and this insensibly brings me to the following Section, where an account of the circuits must be given.

SECT. IV.

Of the Circuit Courts held up and down the Country, with some other severities following them, this Year, 1683.

I HAVE already given some general account of those itinerary justiciary-courts or circuits, and shall add very little further upon this. Any thing remaining this year relative to the circuits, comes best in after the proceedings of the justiciary at Edinburgh, and had all their proceedings in the country been recorded in the registers, as a few of them this year are, I should have been able to give a full account of them; but it is only a few hints are there, and therefore I am obliged to give any accounts I have from other informations, still taking in all that offers from the registers themselves. One would think, there was never less need of circuit-courts than at this juncture; field-conventicles were at present quite given over, and there were but few house-preachers. Major White, Claverhouse, and others, were clothed with a justiciary power in their several jurisdictions; but the managers resolved to have the whole country, who were not actively involved with themselves, some way or other made obnoxious, and brought within their reach. Accordingly, after the scheme is formed at Edinburgh, and transmitted to London, a letter from the king comes down, and is read April 10th, bearing, "That the king was glad to learn, from the accounts lately sent him of the state of affairs in his ancient kingdom, how successful methods the council had fallen upon for settling the peace, and reducing people to order and conformity; and could not but signify how much he was satisfied with their procedure." And then goes on in the terms of the printed proclamation just now to be named. 1683.

Upon the receipt of this, April 13th, the council publish the proclamation appointing circuit-courts, which being every way remarkable, and some of the after persecution depending upon it, I have insert it below,*

* *Proclamation for Circuits, &c. April 13th*, 1683.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as we, by our gracious letter, under our royal hand, directed to our privy council, dated at our court at Newmarket, the 21st of March last, did signify how well we were satisfied with the account we had lately received of the state of affairs in this our ancient kingdom, and with the successful methods our council had fallen upon, for settling the peace therein, and reducing people to order and conformity; and, in this exigence, did think fit it should be made known to our people by proclamation, that, though we have been too often induced to grant indemnities and indulgences, and other favours, to that fanatic and disaffected party, which (as time and experience have shown) had no other effects than to encourage them to further disorders, and embolden them to abuse our royal goodness, whatever fair hopes were given us at the procuring of them: yet it was still, and is now, more than ever, our royal inclination, and firm resolution, to extirpate and root out these seditious and rebellious principles, and to maintain the church government as it is established by law. And seeing we are now fully persuaded, that it is neither difference in religion, nor tenderness of conscience (as it is pretended) but merely principles of disloyalty and disaffection to us and our government, that moves them (under

1683. and it may be some way necessary to make some observes upon it. Were that account of the state of affairs the king declares himself so much pleased with, before me, I doubt not but it would let us into some things that are now secrets; and it is not improbable, that the return to the injunctions, "and things to be done by each min-

pretext of religion) to disturb the quiet of our reign, and peace of this our ancient kingdom; therefore we do strictly require our privy council, and all our judges and magistrates, to put the laws vigorously in execution against all persons, who, since our late indemnity, have been, or shall be hereafter found guilty of any fanatical disorders or irregularities (especially those who continue obstinate in them). And seeing we are informed, that several of our subjects are so disloyal to us, and inhumane to their country, as to harbour, reset, and entertain the disturbers of its peace, open and declared notour rebels and traitors: we do therefore likewise command, that all such persons as are, or shall be found guilty of resetting, maintaining, harbouring, intercommuning, conversing with, or doing favours to persons who are forfeited, traitors, or denounced and registrate at the horn for rebellion, be pursued before our justice-court, and punished as traitors, according to law: and though all persons guilty of resetting, maintaining, harbouring, intercommuning, conversing with, or doing favours to notour and known rebels, that have actually been in the rebellion (albeit neither forfeited as traitors, nor denounced and registrate at the horn for rebellion) may be also punished with the pains of treason; yet, lest any of our subjects may have fallen unhappily in that mistake, because of the great number of rebels, that, for several years, have haunted and frequented some parts of our western and southern shires, we, in our royal prudence and clemency, recommend to authorize and empower our privy council, that, as they shall see cause, they may give warrant to, and command our advocate to cause summon and cite before them, such persons as they have reason to suspect, to be guilty of the crimes of resetting, maintaining, harbouring, intercommuning, conversing with, or doing favours to any notour and known rebels, that have been actually in the rebellion; and which rebels have not been forfeited as traitors, or denounced and registrate at the horn for rebellion, before the time these persons resetted, harboured, maintained, or intercommuned, conversed with, or did them favour; as also all persons guilty of intercommuning, or conversing (even with forfeited rebels, or denounced and registrate at the horn) occasioned by chance and accident; and we do authorize and empower our privy council, to judge them upon probation of witnesses, or oath of party, as they shall see most convenient for our service; and in case they refuse to depone, or to appear when cited personally, or at their dwelling-houses, or at the market-cross of Edinburgh, pier and shore of Leith, if out of the kingdom, to hold them as confessed, and to restrict the ordinary pains of treason, to banishment, fining, or other arbitrary punishment. Likeas, we do hereby declare, that such persons, so judged by our privy council, shall, upon absolvitor, or satisfying of the sentence, be as fully secured and indemnified, as to these crimes, for which they shall be so judged by them, as if they had a particular remission, for each of these crimes, under our great seal: and being also persuaded, that our privy council will use all diligence, to bring to condign punishment, such who deserve the same, and desirous to secure our subjects, we do declare, that after the space of three years, from the first of January, 1684, no new process shall be raised, nor any person pursued (save only such as have been cited within the foresaid time) upon the head of resetting, maintaining, harbouring, intercommuning, conversing with, or doing favours to forfeited rebels, or others, acted, done, or committed at any time preceding the first of May 1683. We do likewise give to our privy council full power and authority, when they shall find it necessary for our service, to commissionate such as they shall think fit in the respective shires, for judging those they have not time or conveniency to call before themselves, and are guilty of resetting, maintaining, harbouring, intercommuning, conversing with, or doing favours to persons who are notour and known rebels, and who have been actually in the late rebellion, though not forfeited nor denounced and registrate at the horn for rebellion; as also, all persons guilty of intercommuning, or conversing, even with forfeited rebels, or denounced and registrate at the horn, occasioned by chance and accident, and that in the same way, and with the same powers that we have hereby allowed to our council. And because several of our commons, that were engaged in the late rebellion, may have (through ignorance) lost the benefit of our indemnity, by not taking the bond in due time, and are yet desirous to return to their duty, we do declare, that all such who shall take the test, before our privy council, or our justiciary, or any commissionated by the council, any time betwixt this and the first of August next, shall, and are hereby declared to be as sufficiently indemnified, as they would have been if they had taken the bond in due time. And for that effect, and for punishing such as refuse thus to be reclaimed, we do hereby also order, that circuit courts be holden in our western and southern shires, and other places needful, in the months of May, June, July, or August next; and that after our council hath caused take up exact Porteous rolls of all such who are guilty of, or accessary to the late rebellion, that have not the benefit of our general indemnity, or special remissions, or are otherwise cleared and acquitted by law, their names, after they shall be denounced fugitives, be printed, published, and affixed upon all the market-crosses within this kingdom, to the end all our dutiful subjects may know, both whom to shun, and whom to apprehend. After all which declarations of our royal pleasure, we expect that none will dare to adventure to commit any of the foresaid crimes, being fully resolved, not to show further favour or clemency to any who hereafter shall be found guilty thereof. Our will is therefore, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and to the whole market-crosses of the head burghs of the shires and regalities of this kingdom, and other places

ister, we shall just now hear of, gave ground to the managers to propose this new inquisition of circuits to the king. However, the penners of this proclamation make the king say, on the matter, *peccavi*, and endeavour to cast a slur on the duke of Lauderdale, Monmouth, and others formerly in the ministry, when it is said, the 1683.

needful, and thereat, by open proclamation, make publication of the premises, to the effect all persons concerned may give obedience, and conform themselves to our royal pleasure aforesaid. And further, in prosecution of the ends and designs foresaid, we, with advice of our privy council, have thought fit hereby to ordain and appoint our circuit courts of justiciary, to be holden and kept by the commissioners and judges thereof, at the places and burghs, and upon the days and for the shires respective after-specified, *viz.* at the town of Stirling the fifth of June next, for the shires of Stirling, Clackmanan, Kinross, Fife, and Perth, besouth the river of Ern, and the stewartry of Monteith; at the town of Glasgow the twelfth day of the said month, for the shires of Lanark, Renfrew, and Dumbarton; at the town of Ayr the nineteenth day of the said month, for the shire of Ayr, and jurisdictions within the same, and the shire of Wigton; at the town of Dumfries the twenty sixth day of the said month, for the shire of Dumfries, the stewartries of Kirkcudbright and Annandale; at the town of Jedburgh, the third day of *July*, for the shires of Roxburgh, Berwick, Selkirk, Peebles, and bailiaries of Lauderdale; at the town of Edinburgh the tenth day of July, for the shires of Edinburgh, Haddington, and Linlithgow. Whereof we ordain you to make publication at the market-cross of Edinburgh, as also at the market-crosses of the head burghs of the sheriffdoms of Stirling, Clackmanan, Kinross, Fife, Perth, Lanark, Renfrew, Dumbarton, Ayr, Wigton, Dumfries, Jedburgh, Selkirk, Peebles, Dunse, Lauder, Haddington, and Linlithgow, wherethrough none pretend ignorance of the same, that the said justice-courts are to be holden upon the days, and at the burghs and places respective above written: and that ye command and charge all archbishops, dukes, marquisses, earls, bishops, lords spiritual and temporal, barons, and others our freeholders, who hold lands of us in chief, and owe suit and presence within the several bounds, shires, and precincts belonging to the said respective circuit courts, to compear before the said commissioners at the said courts, upon, and at the days and places foresaid, with continuation of days, to do whatever in law is incumbent, and ought to be done by them in that behalf. As also, that ye command and charge all and sundry the said dukes, marquisses, earls, lords spiritual and temporal, as also, lords of regalities, stewarts, barons, sheriffs, justices of peace, bailies, chamberlains, magistrates, and ministers of our laws, and all subordinate judges within our sheriffdoms above-written, and whole lieges of the same, that they, and every one of them, give all due respect to our commissioners and justices foresaid, and such special assistance as to their offices and duties appertains, and as is incumbent to them by the laws and acts of parliament of this kingdom, as oft as they shall be required by our commissioners, to that effect, as they and every one of them will answer upon the contrary, and under all highest pain and charge that after may follow; and particularly, that ye command our sheriffs, that they cause sufficient and legal men compear before our said commissioners, at such diets and places as the commissioners shall appoint for assizes and witnesses, as they shall be cited to that effect. As also, that the said sheriffs and freeholders within the several shires foresaid, meet our said justices, at their entry into the shire, and convey them into the same, and accompany them during their remaining, ay and while they be received by our next sheriff, and his deputes into the next shire. And because there have been several great abuses committed in taking and administrating the late bond, appointed by our late indemnities, and the persons intrusted have been frequently imposed upon, by their being induced to admit persons to take the said bond under false names and designations, and that even many false subscriptions have been returned through the collusion of such as were illegally substituted by the persons instructed: therefore we ordain, that all these commons, who shall apply themselves for having the benefit of the test, shall take the same, repeating the words upon their knees, in presence of any two of the persons aftermentioned, and a clerk, who are appointed to return the test, so subscribed, to the clerks of our privy council, betwixt and the first of September next, with a certificate at the end thereof, subscribed by any one of the said two persons, or more present intrusted, and their clerk, bearing the time and place when they did sign the same, and that they knew the persons subscribing to be of the designations condescended upon, or were credibly informed by persons they knew, that they were such, and where the persons could not subscribe themselves, that they heard them give direction to two notars, to subscribe for them; and which test, so subscribed, and returned, and a certificate granted thereupon, shall be as sufficient to the subscribers, as if they had our particular act of indemnity. The persons instructed by us, are, all privy counsellors, lords of the session and justiciary, captains of our forces, and superior officers upon the place, sheriffs, stewarts, and bailies of regalities, or their deputes, in their respective jurisdictions, or provosts of burghs royal, or the bailies; as also the particular persons underwritten, *viz.* John Dalmahoy of that ilk, Sir John Cowpar of Gogar, the lord Elibank, William Murray of Spot, Sir William Ruthven of Dunglass, Adam Hepburn of Humby, Sharp of Houston, Alexander Mill of Carrin, the lord Sinclair, Sir Philip Anstruther of that ilk, Lindsay commissar of St Andrews, Sir William Sharp of Scotscraig, Sir Alexander Bruce of Broomhall, the laird of Lee, Sir John Whiteford of Milton, John Skene of Hallyards in Lothian, Sir Robert Dalziel of Glenae, Sir Robert Grierson of Lagg, Robert Fergusson of Craigdarrach, the lord Montgomery, the lord Crichton, the laird of Blair, Sir Archibald Kennedy of Colzean, John Boyle of Kelburn, James Crawford of Ardmillan, Colquhoun of Luss, John Graham of Dugalston, the lord Ross, Thomas

1683. king had been too often induced to grant indulgences, indemnities, and other favours; and that, in this exigence it was fit to declare this. What made such a declaration necessary at this juncture I know not, unless it were, that some papists about court found such a confession from his majesty, a proper preface to a new sham plot, or at least a violent perverting of some people's honest struggles against the present, severe, arbitrary and oppressive courses: but this I am sure of, lenity was none of the vices of this period; and if the king had any inclinations this way, his brother and servants took care effectually to quell them. The king is made further to add, "That his favours to the fanatic [*i. e.* presbyterian] and disaffected party, had encouraged disorders, whatever fair hopes were given [by the dukes of Lauderdale and Monmouth] at the granting of them." Such thrusts come now in course in these public papers, and have been more than once answered. The moderate presbyterians, yea, the body and almost the whole of them, could never be justly charged with any disorder, except their nonconformity, and refusing subjection to prelacy. The rising in arms, as hath been noticed, was forced, and what the generality of them were not engaged in; and these who were, by this time were sufficiently persecuted therefore, without the least shadow of favour, yea, with the utmost rigour: and the indulgences presbyterians got, were so palpably clogged, that they fell evidently short of the good ends they might otherwise have brought about, and few or none of them reaped any benefit by the last indemnity about four years ago; so that so great a sputter needed not have been made about these favours to presbyterians; but this part of the proclamation speaks out the inclinations and language of the prelates, who were grated and uneasy at the least intermission of the highest severities. In their style, and agreeably to their bloody and violent desires, the king is made further to add, "It was and is now more than ever our royal inclination and firm resolution, to extirpate and root out all seditious and rebellious principles." Here is root and branch-work in view, no doubt in order to extirpate the northern heresy, which lay so near the duke of York's heart. The king is next brought in, "as fully persuaded, that it is neither difference in religion, nor tenderness of conscience, but principles of disloyalty and disaffection, that move presbyterians;" therefore the council judges and magistrates, are ordered to execute the laws. What the framers of this paper mean by difference in religion, I know not, unless it be the duke of York's religion; but everybody might see, it was merely for conscience sake that presbyterians were

---

Crawford of Carsburn, Richard Elphinston of Airth, Patrick Haldane of Langrig, Alexander Seton of Touch, Mungo Haldane of Glenegles, Sir Robert Murray of Abercairny, Sir John Drummond of Machany, John Drummond of Deanston, Andrew lord Rollo, Sir David Dunbar of Baldoon, Hugh Macguffolk of Rusco, Sir Godfrey M'Culloch of Mireton, Robert Lawrie of Maxwelton, Ker of Graden, Lord Jedburgh, John Riddel of Haynning, George Pringle of Blindlees, Sir James Cockburn of that ilk, Hume of Linthill, Mr Henry Hume of Kaims, Sir William Purves of Purveshall, Sir William Murray of Stenhope, James Nasmith of Posso, John Veitch of Daick, Alexander Cochran of Barbachly, John Dundas of Mannor, John Skene of Hallyards in Fife, Sir Robert Maxwell of Orchardton, Bruce of Earlshall, Graham cornet, and Mr David Graham quarter-master to the laird of Claverhouse his troop, Sir Francis Ruthven lieutenant to the laird of Meldrum, Sir William Keith of Ludquharn his cornet, and Sir James Douglas of Kelhead. And to the effect, that the persons allowed to take the test, may have convenient opportunities for taking the same, we do require the persons foresaid, appointed for administrating the test, to meet amongst themselves, and condescend upon frequent diets and meetings, at convenient places, and that they cause make timeous and public intimation thereof at parish kirks, and other places needful, that all persons concerned may know when and where to attend; and if any of the persons, commissionate to administrate the said test, have not taken the same themselves, we appoint them first to take it in presence of some of those abovementioned, who have formerly taken the same before they administrate it to others. The which to do, we commit to you, conjunctly and severally, our full power by these our letters, delivering them by you duly execute, and endorsed again to the bearer.

Given under our signet, at Edinburgh the thirteenth day of April, one thousand six hundred and eighty three, and of our reign the thirty fifth year.

Per actum Dominorum secreti concilii.
William Paterson Cl. Secr. Concilii.
God save the King.

suffering, and they have been abundantly vindicated from the charge of disloyalty. After this bitter satire palmed upon the king, the laws are appointed to be executed against all who are guilty of any fanatical disorders and irregularities. These are comprehensive words, to be explained, with a vengeance, by the bishops and army. Then follows a particular clause against resetters, harbourers, and conversers with forfeited persons for rebellion, yea, all who are put to the horn, which was the case of multitudes never in the rising, nor resetters, &c. of such; but they were denounced precisely because they answered not at courts, where they were almost sure to be ruined, or because they refused the oaths now pressed.

I want that knowledge of the Scots law, necessary to determine whether what follows is agreeable thereto; but to me there appears, in the next article of the proclamation, a cunning enough fetch in the drawers thereof, for a further and more extensive imposition of the test; and this and other letters from the king, to tender the test to all suspect persons, and the proclamations following upon them, were improven that way; whereas the act of parliament imposes it only on those in places and offices of trust: thus again the duke of York's prediction, that the test should fall upon others than catholics, was fulfilled. And because some of the king's subjects may have, by mistake, conversed with rebels, in great clemency it is recommended to the council, to cite before them all suspect persons of reset and converse with rebels, and judge them; and in case they appear not, to hold them as confessed, and to restrict the ordinary pains of treason to banishment, fining, and arbitrary punishment; and upon an absolviture, or satisfying the council's sentence, the said persons are indemnified. Further, the council are empowered to appoint whom they see good in the different shires, for judging of persons whom they have not time to examine, with as much power as the council have. Here is a vast power, under pretext of kindness, for an universal oppression of the country, by committing the council's power, yea, many times a justiciary power, to single persons, the sheriffs, officers of the army, &c. and a wide door for pressing the test. Thus it follows. And because several commons, I know not if feuars and heritors could be reached by this, and yet they were attacked, through ignorance have lost the benefit of the indemnity, by not taking the bond, it is statute, That their taking the test before the council, or any commissioned by them, shall indemnify them. Thus it generally holds, one imposition opens the door to another, and yet they get the test in room of the bond. It would be observed here, that most who have been concerned in Bothwell, were gone off the country, or executed, or at least were not known to the persecutors; and the persecution now ran most upon reset and converse, and upon such as had been denounced rebels for not appearing at their courts. This was a ground of oppression some of themselves were almost ashamed of; therefore they give it a new turn, and make a pretended favour this way become a handle for an almost general imposition of the test, beyond the parliament's design, under the pretext of favour, and to clear people from suspicion: the test, they knew well, would be a new and effectual foot for a general persecution of all presbyterians. And to force the country to fall in with this new imposition, as well as to make it the more general, circuits are appointed, much in the terms of the last proclamation about them, where remarks were made, which are applicable here. These were to meet at Stirling the fifth of June, at Glasgow the twelfth, at Ayr the nineteenth, at Dumfries the twenty sixth, &c. as in the proclamation. Next, the commons, in taking the test, are ordered to do it on their knees, and to sign it by themselves or a notar, in presence of the persons named in the proclamation, who are to certify the subscription, which is declared to be a full indemnity. The pretext for this new addition, is, that some false names were subscribed to the bond formerly annexed to the indemnity. The persons thus empowered, are all privy counsellers, officers of the army, magistrates, with a long list of others, whom the reader will see in the proclamation; and many of them were the great instruments of the

1683.

1683. persecution till it ceased. I have insisted the longer upon this proclamation, because it appears to me to have been the great foundation of the persecution, till the next parliament meet.

In order to the carrying on the ends of these circuits thus appointed, the council pass this act, April 18th, which is another specimen of the methods used at this time, and a proof that it was not the king's honour, and the safety of the government, which was before them, but quite other views. "The lords of his majesty's privy council, considering, that all persons, of whatsomever quality or station they be, if delated upon oath to the clerks of the criminal court, in their taking up of dittays in order to justiceairs, ought to be insert in the ordinary Porteous rolls. Notwithstanding, in this present conjuncture, the said lords have thought fit to give order and warrant to the clerk, not to insert in the ordinary Porteous rolls, any noblemen, or sheriff-principals, or provosts of burghs, where the said circuit sits, as also any persons who are already under process before the privy council, or justice-court, for rebellion or reset of rebels; but that the clerk and his deputes shall take up all information they can have against all persons whatsomever. And in case any noblemen, or persons foresaid, be delated and given up to the said clerks, that they keep a particular and private roll for such persons, which rôll the said clerks are to keep secret, as they will be answerable, and send in those private rolls to the council; for all which this shall be their warrant." Reflections upon this are needless, the design is plain enough.

Next day, April 19th, a draught of instructions, with respect to the circuit-courts, is produced from a committee ordered to draw them up; and I give them just as they stand in the council-books.

Instructions to the commissioners of the justiciary, at the circuit-courts, and their clerk, in taking up dittays.

"That the sheriffs be commanded to cite some of the most intelligent gentry, as well as commons, and indemnified rebels to give up dittay, and that the clerk be authorized to take the sheriff-depute's oath that he hath done so.

"When any person is given up for rebellion, or resetting rebels, and the advocate is not ready to insist, or the justices have not pregnant presumptions of the party's guilt, that the justices be instructed to take caution of such persons, for their appearance, under such penalties as they see fit.

"That the justices proceed against preachers at field-conventicles, and those that have accompanied them in arms, and are repute to be their guards, according to law.

"When persons are cited to give up dittay, and refuse to depone, that they be immediately secured.

"If the clerk get notice that notorious rogues are lurking where he is taking up the dittay, he is to require the magistrate of the place, or these commissionate by the council, that they be surprised and secured.

"That the lieutenant-general send out forces to attend at the places where dittay is taken up, that they attend the clerk in his progress from place to place, for that effect; that the officers in the several places where they quarter in the country, give all the information to the clerk they can; and that the persons commissionate by the council, make exact inquiry anent persons guilty of the late rebellion, and their resetters, and that they be present with the clerk at the respective places, for giving up of dittay, and be cited to give up dittay, to these crimes.

"That the sheriffs uplift the fines imposed upon the absents, for not giving up dittay, according to the old custom, and count at the justiceair for the same.

"Since the sheriffs are to be at great charges and trouble, in summoning persons to give dittay, parties, witnesses, and assizers, and constant attendance upon the court of justiceairs, it is recommended to the lord treasurer, to pay punctually their depursements, and that they be authorized to uplift the fines, and be countable therefore, being paid of their expenses off the first end.

"Since, by act of parliament, the clerk is to keep secret the Porteous roll, and, after the taking up thereof, he must deliver the just double thereof to the respective sheriffs, it is fit he be authorized to admin-

ister an oath of secrecy to the sheriffs and their clerks, and that they give no double, but employ such persons as are trusty, for executing the same, who are to execute the same upon oath.

"That absent sheriffs, noblemen, gentlemen, and freeholders, be warned to attend, and, if absent, fined according to custom, and the fines punctually uplifted without excuse.

"That no sheriff-deputes or bailie-deputes sit with the justices, but only the principals.

"That the clerk take alongst with him to the courts, exact rolls of persons forfeited, denounced, and put to the horn for rebellion, and likewise exact rolls of all such as have either taken the bond before the council or justices, or have special remission for the rebellion.

"The council approve these instructions, and order extracts to be given to all whom they may concern"

We may easily guess what vast trouble and charges the country was put to, by these preparatory steps to the circuits. Most of these instructions were carefully executed by the persons to whom they are given, and the Porteous rolls were drawn. I have taken an overly view of some of these rolls, and had it been possible to have gone through them narrowly, and compared them with other accounts I have from the respective shires, no doubt very black discoveries might have been made; but that was impracticable. The Porteous roll for the shire of Ayr this year, as far as I could guess when I folded it out, consists of upwards of three hundred sheets of paper. That of the shire of Lanark is upwards of 200 sheets. I observed evidently sheets taken out here and there, and others, written in a different hand from the rest of the roll, put in their room, and that with very little nicety, this probably having been done in haste. And multitudes of names are razed out, and others put in their place, sometimes by one hand, sometimes another. Those rolls consist of three columns; the first contains the persons' names, where there are a vast many changes and alterations made, different hands, different inks, and evident razings of one name, and writing in another for it; and that those were done privately, and no doubt brought in vast sums of money to some, appears from this, that what was found judicially by the court, is still added to every person's name in the roll by the clerk's hand, that he is deleted, that he is delayed, remitted to Edinburgh, remitted to the judge ordinary, fined or the like; and generally in those razings the persons are absent or deleted. In the next column the person's crime is inserted, being at Bothwell, reset and converse, not keeping the church, absence from courts, &c. and in the third column the names of witnesses, to prove the charge, are inserted. In persons of note the charge is very distinct and particular, and in meaner persons it is but shortly expressed. It may not be out of the road to give one instance, whereby the reader may understand the method of these rolls. In that of Renfrewshire scarce any of the gentlemen are overlooked: the article relative to the present lord Pollock, whom we shall afterwards meet with, follows. "Sir John Maxwell of Nether Pollock, you are indicted and accused of resetting of rebels in so far as Stevenson shoemaker in Pollock-town, Robert Jackson in Carnwatherick, Arthur Cunningham there, Robert Taylor there, Archibald Barr in Pollock-town, and several other of your servants and tenants, being actually in the rebellion 1679, were upon the first, second, or remanent days of the months of July, August, September, October, November, or December 1679, or January, February, or the remanent months of the years 1680, 81, 82, 83, or upon some of the days of the months foresaid, reset, harboured, intercommuned, aided, assisted, and did favours or had favours done to them by you, or you otherwise supplied them. Of the which crimes you are actor, art and part." As also the said Sir John Maxwell is guilty of high treason, as upon one of the foresaid days the said rebels and traitors, who were actually in rebellion, were supplied and furnished with meat, drink, and other provisions, reset and entertained in his house, by order of him, his lady, or other persons." Then over against this follows the list of witnesses, John Luke in Pollock-town, John Breadie, hammerman there, John Wallace 1683.

1683. in Pollock-shaws, John Park in Arden-head, David Kennedy gardener in Pollock, David Kincaid his servant, Andrew Martin groom, John Paton cook. In a cursory view of the Porteous roll of this shire of Renfrew, which is the shortest of any I looked at, I find from the parishes of Cathcart, Eastwood, Eaglesham, Merns, Neilston, and Lochwinnoch 105 common people, how the rest of the parishes escaped I do not know, nineteen considerable gentlemen, and three ladies. In the roll for the shire of Lanark, I noticed the whole gentry of that shire, almost without exception. And the commons and gentlemen are pretty much classed by their parishes. In Monkland 46, Bothwell 61, more in both of these 52, Douglas 24, Lesmahago 60, Carmichael, Pittennain, Carstairs, &c. 50, Carluke 19, Lanark 59, more 16, more in Carluke 25, Stonehouse 19, more 10, Cambusnethan 35, Kilbride 103, Hamilton 84, Carmunnock 19, Blantyre 14, Rutherglen 13, Dalserf 30, more of gentlemen 5, Glasgow 100, more gentlemen 19, Barony 18, Govan 39, Evandale 80. Only let me further observe upon these rolls, that the most part of the commoners are charged with reset and converse and not keeping the church, some fathers for resetting their children and brothers who had been at Bothwell. A good many of the gentlemen in both shires are remitted to Edinburgh in July, where we have met with them; some of them are excused *simpliciter*. And lastly I notice, that the witnesses cited in every parish are oft-times more than the persons charged; and when any of them are absent, they are noted and remitted ordinarily to the magistrate of the place. From those cursory remarks the reader may guess somewhat of the sad circumstances of the west and south of Scotland, at this time. But the vast trouble every body was put to, and the extraordinary sums of money uplifted, what upon one score, what upon another, cannot be narrated.

To prepare matters for the circuits, and make the persecution as extensive as it might be, the clergy are engaged, and were most ready to give their utmost assistance. I have before me a paper dispersed among them, and copies sent to every congregation: what time it was given the curates, I cannot say; but it is probable, that it was spread in the time of the forming of the rolls. Whether it was spread by the bishops' orders, or came from the council, I know not; but the episcopal ministers were very willing to fulfil it in all its parts, and were most useful to the clerks in making up the rolls. The title of the paper is

List of things to be done by the minister in each parish, 1683.

"That the ministers give in upon oath a list of their sessioners, their clerks and bellmen, of withdrawers from the church, and noncommunicants; that to their knowledge they give account of all disorders and rebellions, and who are guilty of them, heritors or others; that they give a full and complete roll of all within the parish; that they give a particular list of all the heritors; that all women who are delinquents, be given up as well as men; that they give account of all persons who have gone out of their parishes, and the reasons of this withdrawing; that they give up particular accounts of fugitives, their wives or widows within the parish, and all resetters of them, and of chapmen and travellers; that they declare who are the people in their parishes who can give the best account of all these particulars, besides their sessioners, that such may be brought in and examined." This last clause seems plainly to refer to the examination of the circuit clerks, when they came about, according to the council's instructions, to receive information and make up the rolls. No remarks need be made upon these demands made upon every curate in every parish; they are plain enough, as also their design. One thing is observable, that their sessioners, as they are called, members of their sessions, are here just made use of as informers against honest people; and therefore it is no wonder, a good many gentlemen and others, when named to join with them in session, peremptorily refused this invidious office, and chose rather to undergo considerable fines, than to concur in this malicious work, and horrid profanation of the office of ruling elders, whose work is to oversee people's manners, and join in judging them, not in informing the civil govern-

ment against them. This paper confirms the general remark so many times made and proven, that the clergy were at bottom of all the persecution I am describing, and the curates extremely useful, as in the lesser oppressive courts, so likewise in the more extensive circuits.

Before I come to the particular procedure of those courts, I only further notice, that April 23d Sir Robert Grierson of Lagg, a most violent persecutor, is continued stewart-depute of Kirkcudbright, till the justice-airs be over; and May last, Mr George Bannerman advocate, is appointed as advocate-depute to attend the justice-airs. The king's advocate, we have heard, was otherwise employed. And June 4th before the justices go upon their circuit, the council appoint the laird of Claverhouse, Meldrum, Riddel of Hayning, Ker of Graden, Major White, Sir John Whiteford of Milton, and John Skene of Hallyards, who received commission from the council or treasurer, anent the discovery of rebels or their resetters, and for securing and sequestrating their goods, with their deputes and clerks, to attend the justices with their books, papers, depositions, and informations they can give, and that they be in readiness to depone on oath, anent any persons guilty of treason, or reset of rebels, or whatever shall be inquired of them by the justices. That same day the council agree upon the following instructions to be given to the circuits, which deserve a room here.

Instructions given by the council to the commissioners of justiciary.

"That the commissioners of justiciary, conform to his majesty's letter, take precognition, and consider the probation, and distinguish the delinquents into classes.

"1. The class of absents from the host be *in cumulo* deserted, and remitted to the council.

"2. That the class of commons, and those that are not heritors, either rebels or resetters, on their taking the test, be deserted, and such of them as do not take the test be either secured, or put under caution.

"3. That the diet be deserted against all resetters, they taking the test, and such as will not, if by the precognition it appear that they have reset or intercommuned with rebels who were forfeited, denounced, and registrate, or notour, that these be put under caution under great sums effeiring to their condition and rank, and quality of their crimes, to appear before the justices at particular diets. 1683.

"4. That rebel heritors of whatsomever quality, applying for taking the test, presenting themselves, and confessing the crimes, and disponing their estates, the justices shall allow them to take the test, and promise that the council shall recommend them, as to their lives allenarly, to his majesty's mercy.

"5. That absents, who are accused for rebellion and reset, be declared fugitives, and the witnesses against them exactly examined, in order to a process against them, either before the justice-court or council, as effeirs.

"6. That the justices be exact in observing the form of process in the justice-air, and if any delinquent refuse to enact and find caution, that they be seized.

"The council approve these, and appoint they be given to the justices, that they act accordingly."

With those instructions, the persons appointed by the council apply themselves to their work. Only two or three processes at Glasgow and Ayr are insert in the criminal books, and these I shall give as briefly as I can, and add some other accounts not recorded, because not brought to a sentence and full issue, from other informations, which may be depended upon, and then subjoin some particular oppressions, at particular courts held by the persons named in the proclamation for circuits this year.

By the proclamation they are to be at Stirling, June 5th, where they began their circuit. I have before me a very surprising instance of inhumanity before the circuit at Stirling, in the pursuers or judges, if they knew the poor man's case.

One William Johnston, a Stirlingshire man, had been in the engagement at Bothwell, where he was sore wounded, and carried prisoner into Hamilton. There, through negligence, and not allowing him a surgeon, he lost so much blood at his many wounds, that for three days he was speech-

1683. less, and every body gave him over for dead; and so he was not carried away with the rest of the prisoners, yet he gradually recovered; but by reason of the extraordinary loss of blood, and strokes he had got, he did not recover the exercise of his reason fully, but was silly, and next to an idiot. When his wounds were healed, and the keepers had got any thing he had, he was overlooked and let go, and got home to his friends, and lived with them till this circuit; and to it he was cited, though all the country knew he had very much lost his reason. Accordingly he appears with many others, and upon his knees he and they sware the test, and subscribed it. When he came out, he asked what paper that was they had caused him put his name to. Some of his acquaintances told him, it was a renouncing of that work he had owned at Bothwell. When he heard this, he was mightily affected, and his distemper increased upon him till his death, which was in a few days. This melancholy account needs no reflections.

The circuit was to sit at Glasgow, by the proclamation, June 13th, and that day two persons were executed at the cross, for alleged killing of a soldier, as we shall just now hear. The circuit did not sit till that day they were executed, and they appear to have been condemned a little before. Whether major White, by his justiciary power, or the baron bailie passed the sentence, I cannot learn. However, they were executed, and that very suddenly, for the more awful opening of the circuit; and the fullest account I can give of this matter, from several relations of it before me, is as follows.

Towards the beginning of June, a very few days before their execution, a party of soldiers who had seized one Alexander Smith an outlawed countryman, and were carrying him, I think to Edinburgh, were attacked by some few country people, friends to the said Alexander in arms at Inch-belly-bridge, six miles from Glasgow, in the road to Edinburgh, and the prisoner was by force taken from them. In the rencounter some were wounded on both sides, and one of the soldiers was killed. The country people retired with their friend in good order, and went off. The soldiers rallied in a little time, and in great rage and fury, fell a searching the places near by, though by this time the party who had attacked them were retired a good way from them; and in a wood, not far off from the place of action, they found John Wharry, or Macwharry, and James Smith, sitting without any arms, having only two walking staves in their hands. The soldiers alleged, these two belonged to the company who had rescued the prisoner, and brought them into Glasgow prison; and they were sentenced to die, and to be executed the 11th of June, says the Cloud of Witnesses, but other papers make it more justly the 13th. When they were brought to Glasgow, very much spite and malice was vented against them. Some papers say, that the soldiers suborned two of their number to depone they saw them kill the soldier at Inch-belly-bridge, when the prisoner was relieved; but I am well informed by persons of credit, who were present at their trial, that no witnesses were adduced against them, but the court sustained it relevant, that they were found so near the place where the soldier was killed. Whereas it appears to be a very great presumption in their favour, that they were so near; since, had they been in the engagement, it is not to be supposed they would stay so near by, but would have retired with the rest. What would make them cast themselves in the soldiers' hands? And if they had, by some occasion or other, been obliged to stay near, why would they quit their arms? This is certain, the fact was never confessed by them, neither were there any evidences of their being in the attack for relieving the prisoner. But their being found in the vicinity, though without arms, was made ground enough to take away their life, according to the justice of this time. They were sentenced to have their right hands cut off, and then to be hanged, and their bodies to be carried to Inch-belly-bridge, and there hung up in chains. Their carriage at their execution was cheerful and gallant. John Wharry was ordered to lay his hand on the block, he thinking they required to lay his head down, did so with much courage. Major Balfour said in a great rage, it is not your head but your hand we are seeking.

John answered, he had then heard wrong, but was most willing to lay down not only his hand but his neck, and all the members of his body, for the cause of Christ. When his hand was cut off, he was not observed to shrink, but holding up the stump with great courage, said, this and other blood now shed, will yet raise the burned covenants. James Smith died in much peace and comfort, not in the least discomposed. I have some of their letters to their friends, from the prison at Glasgow, dated June 11th and 12th, full of pious matter, and discovering a very great measure of divine joy they were under. They appear to have been sensible serious Christians. When they were but half-choked, says the Cloud of Witnesses, they were cut down, and, in that condition, carried on two carts to Inch-belly-bridge. Some honest people had provided coffins for them, and caused bring them near, at which Balfour raged terribly, and caused break them in pieces.

But I return to give a more direct account of the circuit at Glasgow, and begin first with what is in the registers, and there are only two processes recorded at this place. The first is June 13th, and the lords present are, Perth justice-general, and Maitland justice-clerk, with the lords Collington, Castlehill, and Forret. That day appear in the pannel, John Russel portioner in Eastfield in Monkland, Gavin Paterson feuar in Bothwell-shiels, Robert Russel of Windy-edge, Mr Thomas Hamilton of Raith, James Hamilton of Parkhead. The second and third of these had been before the justiciary formerly, and how they came now to be again pannelled I know not. Their indictment runs very short, that they had been in arms with the rebels at Bothwell. Their indictment is found relevant, and the probation is remitted to an assize. The depositions of witnesses appear very lame. One depones, he saw John Russel at Meadows, and at Hamilton-muir, with a horse, sword, and pistols. Another depones, he saw him at Shawhead-muir, some days before. Two witnesses depone, they saw Mr Thomas Hamilton and James Hamilton at Shawhead-muir, but without arms. One depones against Robert Russel, that he saw him at Drumclog, and another that he saw him at Hamilton-muir. And the same as to Gavin Paterson, one saw him at one place, and another depones he saw him elsewhere; and, as far as I could remark, there are not two witnesses *ad idem;* as to any but Raith and Parkhead, and both declare they had no arms; and these gentlemen's houses were near by, Raith's within a quarter of a mile of Bothwell-bridge. The assize bring them in guilty of the crimes libelled. The lords forfeit them, and appoint them to be demeaned and executed as traitors, when the justiciary or council shall think fit. This is another instance of the justice of this period, a sentence of death passed upon two gentlemen, for being in the company of the west-country army, when just lying about their houses. We shall meet with some of them afterwards, next year. 1683.

June 15th the circuit proceed against James Maxwell of Williamwood, and John Maxwell younger of Bogton, both in the parish of Cathcart in the shire of Renfrew, and in absence. They are indicted for being with the rebels at Bothwell. For probation the advocate produceth the Porteous roll, and dittay against the defenders, who not compearing were outlawed, fugitate, and put to the horn, and all their moveables to be inbrought to the king; but the spite against these good men stops not here. The lords, as the sentence runs, conform to act 11. sess. 1. parl. 2. Char. II. proceed to give further sentence in absence, and find the libel relevant, and remit it to the assize. None of the witnesses, as far as I can see, are *ad idem.* John Hart in Braehead of Cathcart depones, he saw them in arms with the rebels in Hamilton, Glasgow, and some other places some time before the engagement. This Hart, as I am told, was in the Porteous roll himself, and was practised upon to witness in this case, by Mr Ezekiel Montgomery sheriff-depute, who had Williamwood's estate in view, but missed it. Another depones, he saw Williamwood in arms at another place. Another depones, he met Williamwood in the road going to the rebels, at the infall on Glasgow; another, that they are held and repute to be rebels, and have taken guilt on them, and fled; but not one of the depositions

1683. agreeing as to time and place, the assize bring them in guilty of being with the rebels, and at the late rebellion: and the lords sentence them to be forfeited; and when apprehended to be demeaned as traitors, &c. in common style. This religious and peaceable gentleman had suffered, as most about him did, very much from the Highland host, January, February, and March, 1678. That same year in June or July, there came a party of soldiers to his house, without any orders which they could produce, and indeed he could not be reached by law, for he had managed himself with all caution and circumspection. The party was commanded by one Scot of Bonniton, and carried off, or caused carry off, fifty bolls of meal, four horses, with the whole household furniture left by the Highlanders, chimneys, pots, pans, crooks, tongs, beds, and bedclothes, and every thing that was portable, without any pretext of law, but that Williamwood was a suspected person. So mad and violent were they in their spite and rage, that they cut and mangled with their swords and other instruments, the beds and other things they could not carry off, and cut down and spoiled most of the young timber about the house; yea, so virulent were they that finding a stack of bear, reckoned to contain about twenty bolls, which they could not get transported, they set fire to it once and again, but being wet it did not kindle. They carried all their spoil to Rutherglen, and there sold it; and though this was once and again represented, no redress could be had, neither can any reason be given for this spoil, but an information given by Mr Finnick, curate of Cathcart, against Williamwood, as a person suspect to be presbyterian in his judgment, and who would not join with him as one of his elders.

After this riot committed upon him, being conscious of his own innocence, and knowing he had never been disloyal, or acted any thing against the government, that could justly lay him open to these barbarities, Williamwood plenished his house of new, and continued in it; but in May or June, 1680, a new storm falls on him. Upon a false and invidious information given against him, as having been at Bothwell last year, a party of soldiers came to his house, and, by order from general Dalziel, seized him, and brought him prisoner to a kind of camp which was at Newlands, where he was kept prisoner some days, and then carried into Glasgow tolbooth, and from thence to Edinburgh, where he was once and again brought before the council, and, no probation being adduced of his being at Bothwell-bridge, he was set at liberty upon bond to compear before the council upon the first of September. Accordingly at that diet he appeared, and no witnesses being offered, his bail was continued till the second of November. At that time he went in again to Edinburgh, and no proof being adduced, upon paying a little money for fees, &c. he got up his bond from the clerks, and came home and lived peaceably at his house, paying all taxes and impositions now a-going, when required. Things went on pretty smoothly with him, till November next year, when Thomas Kennoway, of whom above, came with a general commission in writ from one Carmichael at Edinburgh, as donatar to all the rebels' escheats in the shire of Renfrew, and brought a party of soldiers with him to the house of Williamwood. It was in vain to tell them he was no rebel, that he had been liberate by the council last year, and lived peaceably since. They had him, as they said, in their commission, and unless he had been master of a force equal to theirs, there was no repelling this violence, or remedy for him. He had sought redress before, but all doors were shut to presbyterians, so the whole of his moveables were seized, and soldiers left to stay in the house, until they were carried off by countrymen, whom they ordinarily forced to such pieces of service. However, finding Kennoway was as much for money as moveables, Williamwood compounded with him, and gave him a very considerable sum, and so was delivered from the soldiers. When thus by long experience he found there was no safety or protection to be had from the malice of Mr Finnick the incumbent, notwithstanding, in obedience to the laws, he went to church and heard him, this gentleman thought good to set his land to tenants, and live himself as privately as he

could with his family When ordering his affairs thus, Mr Ezekiel Montgomery, sheriff-depute of Renfrew, who had harassed him formerly for irregular marriage and baptisms, hearing of this, and fearing he should thus get out of his reach, applied to him, and sought from him, under pretext of a loan, (but he knew well it was never to be paid again,) the sum of two thousand two hundred merks, which the sheriff alleged the government owed him, and he could not command it at present, when he had important business to do with it, and plainly told him, if he gave it him not he would inform against him, and prove as much as would cost him twice that sum he now sought. These were the methods of the under-agents of the government at this time, and some greater men than sheriff-deputes were not altogether free of them. Williamwood being fully conscious of his innocence peremptorily refused the proposal, yet considering he had a cunning and dangerous enemy to deal with, and having some relations in Ireland, he began to resolve upon transporting himself and his family thither, that for some time he might be out of harm's way. Accordingly, he went over to Ireland to his brother-in-law, Mr Andrew Rowan, an episcopal minister there, and stayed some months, that he might settle matters in order to the bringing over his family. While in Ireland, an indictment is left at his house, of the date the day of to compear before the lords of justiciary. Neither he nor his wife living in the house, but a tenant, the paper was neglected, and not heard of till too late. Meanwhile, Mr Montgomery the sheriff-depute is as good as his promise, and dealt with several persons who were in the Porteous roll for being at Bothwell, to depone they saw Williamwood there, promising to get them assoilied, and their names put out of the roll. Many refused, and would not perjure themselves to get free. At length he fell upon one Hart, as we have seen, who was in the roll, but a profane vagabond, who stuck at nothing, and another like him, to whom, it is said, he gave money, and, by his interest in managing the roll, got Hart's name scored out, and they deponed they saw Williamwood with the rebels when in arms, either at Glasgow, Rutherglen, or somewhere. Whereupon the justiciary passed the sentence of death and forfeiture upon him, in absence, before he ever so much as knew there was dittay against him, being in Ireland; and his estate was given to provost Johnston in Glasgow, and his wife and six small children put to shift for their sustenance and bread, till the happy revolution. And to put all the sufferings of this good man together, his wife, January, 1684, was harassed and persecuted with many others, because she did not appear before the courts then holden, and swear the oath of abjuration; and, because she had not delivered her husband's papers to the said donatar Johnston, for much of that year she was obliged to hide and flee from one place to another for safety, till through toil and grief she died in November, and exchanged a present miserable lot for a comfortable eternity. Her six small children were in a very destitute case, their father being forth of the kingdom, and under sentence of death, and they continued under difficulties in abundance, till the general deliverance at the revolution. Nevertheless, since that time the estate of Williamwood is in better circumstances than ever it was, and the persecutors, Finnick and Montgomery, are extinct, and their families, for any thing I know. Many kind retributions of providence to honest sufferers at this time, might be remarked. This instance I have given at the greater length, because I have it fully documented, and it tends not a little to open up the spirit and wickedness of these times. 1683.

Many other gentlemen received indictments before this court at Glasgow, and were delayed to the ordinary meeting of the justiciary at Edinburgh, as we have already noticed, and there either deserted or continued as they could make interest. I shall only take notice of the sufferings of that religious and worthy gentleman, the laird of Bradisholm, in the shire of Lanark, from original papers he was pleased to send me, of whom I would say more if his modesty did not forbid me.

James Muirhead of Bradisholm, had been still a countenancer of presbyterian mini-

1683. sters; and before the rising at Bothwell, by several summons and other papers before me, I find he was brought to much trouble before the privy council and other courts, and paid considerable sums of money for hearing the gospel preached by presbyterian ministers. He was further charged and fined for harbouring presbyterian ministers in his house, and because they prayed in his family when they came to visit him, he was made guilty of a house-conventicle, and underwent several arbitrary fines. In the year 1679, at the rising at Bothwell, his house being within two miles of the place of engagement, he carried with all the caution he was capable of, and retired from his own dwelling for several weeks; yet he was indicted before the circuit 1681, as being in the rebellion, though without the least shadow of truth. His indictment is in my hands, and runs in the common form above insert. After the examination of a prodigious number of witnesses, and nothing being proven, and when he had given in a representation against some of his pursuers for suborning of witnesses, and offered to prove it, the matter was hushed up, and by an order of court just now before me, all further prosecution of him was discharged. When he was, as he thought, secure, he is again put into the Porteous roll, and before this circuit at Glasgow receives a new indictment, which being but short, I insert from the original. "James Muirhead of Bradisholm younger, you are indicted for the crime of high treason and rebellion, in joining with the rebels June 1679, and being in their company with arms at the Shawhead-muir, Hamilton, Hamilton-muir, and several other places, aiding and assisting them, giving and sending out meat to them, or otherwise supplying them, sending out horses and servants to them, countenancing and favouring of rebels, accessory to the late rebellion, harbouring and resetting of them in your house, upon the ground of your land as tenants, receiving mail and duty from them, conversing and intercommuning with them, particularly you reset and kept Robert Turner in Goodochill upon your lands, as your tenant, and receive mail and duty from him; for all which crimes you are to underly the law." To say nothing of this informal and general libel, when he appeared with other gentlemen he was continued till the 25th of July at Edinburgh, where I find by a signed extract of the act of adjournal he was liberate from prison. The act itself, containing his petition, and a short hint of his strange usage, deserves a room here.

Apud Edinburgh, 25 die mensis Julii, curia legitime affirmata.

THE whilk day anent a petition presented to the lords by James Muirhead of Bradisholm younger, shewing, that he being formerly (1681) convened before the said lords for his alleged being in the late rebellion at Bothwell, and exact trial made, and seven hundred witnesses or thereby being examined against him, nothing of guilt could be made appear, and the petitioner having then pressed to go to trial, and having an act of council for that effect, the lords at that time deserted the diet simpliciter, and discharged all new letters and dittays, except by a warrant *in præsentia:* and yet, without any such warrant, he was put in the Porteous roll, appeared at Glasgow, urged a trial, and was continued to Edinburgh, where he offered of new to abide a trial, but was committed to prison. Therefore craving, that seeing the petitioner hath been so oft troubled, and always appeared, and is now ready to pass the knowledge of an assize, for clearing his innocence, and is ready presently to exculpate himself by famous witnesses, that he be ordained to be set at liberty, and the diet deserted *simpliciter*. The lord justice clerk and commissioners of the justiciary, having considered the said petition, do ordain the petitioner to be set at liberty. Extracted forth of the books of adjournal, by me Mr Thomas Gordon, clerk to the justice court.

THOMAS GORDON.

At this time there was no security for any body who had ever favoured presbyterians, and so, notwithstanding of this second absolviture by the criminal court, next year at the circuit he is again put into the Porteous rolls for the same pretended accession to Bothwell; and when he would not purge himself by taking

the test, he is remitted to Edinburgh, when he is libelled before the council for reset, converse, keeping conventicles, and other points, and his oath is taken upon the articles of the libel. And because, in his deposition, he acknowledges his having had four times presbyterian ministers in his house since the indemnity, and that they went about family-worship, with not above six present more than his family, he is found guilty of keeping house-conventicles, and fined, according to a wrong account given in of his valuation, as an heritor, in four thousand merks, and was kept in prison about fourteen months at Edinburgh. All this I have given the more distinctly, because every part of it is vouched by principal papers before me. And this was the case of a great many other worthy gentlemen next year and this, as we may hear.

Vast numbers of people and witnesses were cited to this and the circuit at Ayr. We may guess at their numbers by the accounts I have given of the Porteous rolls. It is within bounds when I term them some thousands, and they were put to no small charges when waiting on, besides what they had to give to clerks and servants about the court. I have before me an account of the following persons from the parish of Evandale; John Ayton, Thomas Leiper, James Martinholm, Alexander Small, John Steel in Brakenridge, John Mack in Caldergreen, with several others who attended this circuit, and at a modest computation each of them were at two hundred merks and more in charges before they got home, and yet nothing could be proven against them, and their diet was deserted. Meanwhile, next year, when the circuits came about, the very same persons in many parishes, notwithstanding of the diets being deserted, were again cited, and brought to the same trouble over again.

Another thing which fell most heavy upon honest people, at those circuits at Glasgow, and other places, was in drawing up the lists for assizers. The clerks took care to insert a great many worthy honest men, who could not be otherwise reached among the forty five assizers, who they well knew would suffer before they would sit upon the assize of the persons who were to be pannelled. And greater sums were extorted this way from some of the most considerable merchants in Glasgow, than one would think of. I know that excellent Christian John Luke of Claythorn, paid at different times near fifty pounds sterling to get himself excused from this vexatious work. This was the case of these good men, Andrew Gibson, George Bogle, and several others. 1683.

But it is time to follow this circuit to Ayr, where I find by several accounts, the curates in that shire had been very active to get matter prepared for the lords before they came, and one Mr Abercrombie in Carrick, signalized himself for his diligence in delations and informations, as Mr Joseph Clelland in Dalserf had distinguished himself this way in Lanarkshire.

The following account of the trouble the country was put to about Ayr, by that knowing countryman formerly mentioned, Quintin Dick in Dalmelington, deserves a room here, as plain matter of fact. 'Vast numbers of persons (says he) were cited out of every parish in the shire, to give information of any they knew had been at Bothwell, or Ayrsmoss, or any other rising, or such who had reset and conversed with them. And great numbers were given up. The persons delated, whether of the risings or converse, though themselves had never been in arms, were charged before the circuit to purge themselves from suspicion by taking the test. All who compeared and took it not, were imprisoned, and such who did not appear by sound of trumpet and tuck of drum were denounced at the cross of Ayr. Most part of such who were imprisoned, gave bond and caution to appear at Edinburgh against such a day, and enter themselves. When they came there they were either imprisoned, or gave a new bond to appear at another day, and severals had a third bond to give before the expiration of the second, and before the expiration of that they were allowed to prove themselves *alibi* at the time of the rising, and to purge themselves from reset and converse, by taking the test. And such who did not so, were either imprisoned, or denounced rebels at the head burgh of the shire, and their

1683. names printed in a fugitive roll, that all who conversed with them, or harboured them, might be as guilty as they."

This is a very distinct account of the general method taken at each of the circuits, and it falls in much with the way taken immediately after Bothwell, where reflections were made upon it. There is only one process at Ayr recorded in the registers, and I come now to insert it.

June 22d, the following persons were indicted, as above, of being in arms with the rebels at Bothwell; Mr Matthew Campbell of Watershaugh, Robert Lockhart of Bankhead, James Brown son to James Brown portioner in Newmills, John Paterson in Dandillan, Adam Reid portioner in Mauchlin, John Wilson portioner in Lindsayhill, John Crawford of Torshaw, Andrew Brown of Duncanzeamer, Mr John Halbert, Colonel John Burns, and James Macneilly of Auchnairn. All of them were absent, but Bankhead and Andrew Brown. Witnesses are led against the absent. One depones, he saw Mr Matthew Campbell in Glasgow, when the rebels were there, with his sword about him; another depones, he heard him demand corn in June, 1679, for Kaitloch's troop, and that he saw him at Strathaven, on the Friday before the defeat, with two ministers, Mr Samuel Arnot and Mr Robert (it should probably be Hugh) Archibald. Another saw him in company with two persons, who were going that day toward Hamilton. Three witnesses depone, they saw Mr John Halbert riding with above twenty of the rebels; and one of them, that he saw him take out a roll from his pocket, and call over their names, some days before Bothwell; and three or four swear, that they saw Colonel Burns and James Macneilly riding with the rebels in several places, with walking small swords about them. I do not observe probation against the rest that amounts to any thing.

Robert Lockhart of Bankhead confesseth he was in the rebellion, begs mercy, and offers to take the test, and petitions the lords may recommend him to the king for a remission. Andrew Brown confesseth the same, and offers to renounce his heritage. The assize bring all in guilty of treason and rebellion. The lords continue pronouncing sentence against the two confessors, till the 2d of August, and commit them to Claverhouse, and require him to present them that day. They sentence the rest to be executed and demeaned as traitors when apprehended, as in common form. August 2d, the lords, considering the verdict of the assize on Robert Lockhart of Bankhead, and Andrew Brown, at Ayr circuit, June 22d, sentence them to be beheaded at the cross of Edinburgh, August 9, but I suppose remissions were got down before that time.

I have some other informations come to my hand, with relation to this circuit at Ayr. John Cochran of Waterside, whom we shall afterward meet with, and being yet alive I forbear his character, was informed against, as having been with a party of countrymen which came from Galloway to Bothwell. He was indeed accidentally at the town of Cumnock upon business, when they came by, in their road to Hamilton; and some of his acquaintances in Galloway hearing he was there, did call for Waterside, who came out of a house, and spoke to them upon the highway, but had no arms, not so much as a walking sword at that time.

Waterside finding he was informed against, and being unwilling to come in their clutches, thought it safest to withdraw, and leave the kingdom: being conscious of his innocency, he hoped in a little the storm would blow over; but in absence the witnesses were examined against him; none of them could swear that Waterside had arms. At length, with some difficulty, they prevailed upon two, whom many took to be suborned, to depone *in terminis*, that they saw him converse with the rebels when coming from Galloway to Hamilton. Upon which, and his absence, the gentleman was forfeited. We shall meet with him and his father two years after this. Whatever be in the subornation of witnesses, which nobody ought to believe without good evidence, good informations bear, that both of them fell shortly into a lingering distemper, and their bodies wasted away, and in less than a year's time, both of them were in eternity, to answer for what they had done, good or evil.

Another instance of severity at this cir-

cuit, was as to a young gentleman in Auchinleck parish, William Boswell. He was scarce sixteen years of age at the time libelled, and was riding about some business, when he happened to fall in with a company of men, who were drawing up in order to march towards Bothwell. The youth, out of curiosity, stopped his horse, that he might see them draw up and march away. For this he was charged before this circuit, as being in company with the rebels, though he had no arms; and, for any thing I can learn, spoke not to any of them, but only, at some distance, looked on, when they were forming themselves in ranks, and marching eastward. All this he confessed, and further could not be proven; yet he was obliged to take the test, and pay 1000 pounds Scots to preserve his lands from forfeiture.

It was at this same circuit, as a signed paper before me bears, that William Torbran, late provost of Stranraer, was cited, and afterwards forfeited. This good man was lately alive, and endured no small hardships, which I shall give an abstract of, from a paper before me fully attested. In March 1679, for mere nonconformity, he was forced by a party of soldiers to leave his family, and retire to Ireland. Meanwhile, his house was filled with soldiers for some days, and they went not off without a considerable sum of money. In November the same year, he was again forced to retire for three months. He was no sooner returned, but Claverhouse sent a party of seventeen dragoons to quarter upon him; and it cost him 85 rix-dollars before he was rid of them, besides the hurt they did to his house and shop; and all this without any sentence against him, or crime laid to his charge save his noncompliance with prelacy. A citation was left at his house May this year, to compear before the circuit at Ayr, though one of the bailies, and another person of credit in the town, deponed they saw him some time before go off for Ireland. When this was represented, all his lawyers could prevail to get done, was to have sixty days allowed to cite him as one off the kingdom. When these were out, he was forfeited, and the sentence of death past on him, and that upon no crime proven against him, but his absence and noncompearance; and the lords' sentence was intimated 1683. at his dwelling house in Stranraer. He notices, he was at 20 dollars in charges at the circuit at Ayr, in order to have this piece of material justice done him, and at great expenses in transporting his goods and family to Ireland, before the expiration of the sixty days. During four years, as he himself expresses it, he was obliged to live in a strange land, upon what the locusts had left; and when he returned, in the year 1687, he found his loss far greater than he imagined; for his debtors would pay him nothing of what was owing him, whether having taken occasion to transact his bonds with those who had the gift of his forfeiture, or for what reason, is not said. One gentleman was owing him 3000 merks, another 60 pounds sterling, two others 1000 merks each; of all which he never got a farthing. And for some time after his return, his trade and business was quite stopped, it was but few would venture to converse or deal with him, till he got his forfeiture reversed, which cost him a great sum; yet at the close of this narrative, and upon reflection on all the treatment he had met with, this excellent man magnifies and humbly blesses the Lord, who ever honoured him so far, as to call him to give this small testimony of his love and loyalty to him and his cause.

The next place where the circuit was held was at Dumfries, of which nothing is in the registers. From other informations before me, I shall only notice, that great numbers having come to Bothwell, from the bounds of that district, as well as of the others formerly spoken of, and, as we heard, their names had been taken up 1679, or 1680, yet no molestation followed to the most part, and they lived peaceably, haunting fairs, markets, burials, and all public meetings, and no body refrained converse with them. At this time, reset and converse being made criminal, the whole heritors, gentlemen, and substantial tenants, every body who had any thing, and were not directly engaged in the persecuting courses, were attacked, and probation was not difficult to find as to converse and reset. And in this district, very few,

1683. but papists and persecutors, and their friends, escaped. The same preparations were made before this circuit, as we have seen upon the former; only I find it noticed, that such who had formerly signed the bond, were made use of as witnesses, and brought to great trouble if they did not turn informers themselves, after they had made their peace with their persecutors. We have heard, that the taking the test saved the lives of such who swallowed it, and their fortunes came in the king's will, which ended in a swinging composition with the managers. This snare took with great numbers, and the test was gone into. Mr Hugh Maxwell of Dalswinton, and some few others were remitted to Edinburgh. It is further observed, that at Dumfries the test was violently pressed upon feuars and the country people, and they were told, if once they refused it, they were not to have the offer of it again, but upon a voluntary petition, in terms some way worse than the test itself; and such who compeared not, were denounced and declared traitors, and all who after that conversed with them, their father, mother, brother, or sister, husband or wife, became in law as guilty as they; and those near relations must either contradict the laws of God and nature, or lie open to the severities of this time. In all the persecutions in popish countries, I do not remember any instance that comes this length; and even among heathens, it was scarce ever ventured upon, to dissolve those nearest natural ties.

I have no particular accounts of the circuits at Edinburgh and Jedburgh, save what I meet with in a letter this year, to the laird of Cavers, then at his travels abroad, from a gentleman concerned in his affairs, Mr Gladstanes, a part of which, containing some things relative to the sufferings of a great many excellent gentlemen, at and after the circuits, deserves a room here. He tells, he was stopped in some things he designed to do, "by a citation to compear before the circuit in July at Jedburgh, for alleged reset and converse with rebels upon your ground. From Jedburgh Sir William Scot elder was with a party of horse, by an order from the council, carried in prisoner to the castle of Edinburgh; and all other pannels who refused the test, were bound over to Edinburgh, upon their finding caution to compear there the 2d of August. At the day of compearance, Stevenson, Ormiston, Mauldsley, Pollock Maxwell, Greenock, and Blackcastle, were sent prisoners to the castle; Sir John Riddel, with another gentleman, to the tolbooth of Haddington, and Bonjedburgh, Well, William Ker uncle to Greenhead, Gideon Scot and myself to that of Edinburgh, where, with about sixty other gentlemen, we remained about ten days, till the prison, in such a season, with such a throng, became dangerous for our health. We all made several applications to the lords of justiciary, for liberty to come out, upon caution to answer when called for; which they finding reasonable, did order our liberty; but our bills were not all returned with the same answer: some are confined to the town of Edinburgh, till their next day of compearance, which is the second Monday of November. Of which number is Sir William Scot, Riddel, Sir Daniel Carmichael, Sir John Shaw, Pollock Maxwell, Dunlop of Household, Mr John Veitch, Bonjedburgh, and myself, with about half a dozen of other gentlemen. The rest, for the most part, were allowed the liberty of the country, till the second Monday of December. We cannot yet tell how this business will end; but all heritors indicted for the like crimes of reset and converse, and against whom the diet was deserted, upon their taking the test at the justice-airs, were last week (the letter is dated October 2d) by proclamation indemnified only as to their life, and the council is ordered notwithstanding to proceed against them, and impose such arbitrary punishment as they shall see fit, according to the specialities of their several guilt."

This is all the account offers to me as to the circuits this year. The lamentable consequences of these courts cannot be narrated. Multitudes of families were scattered, parents and children, husband and wife, set one against another. Multitudes were obliged to remove off the kingdom, as we have seen in some instances already. In short, at and after these circuits, great droves of prisoners were

carried from prison to prison, and, generally speaking, the prisons were emptied into Edinburgh. The persecution was, in a special manner, violent in Nithsdale, where meanwhile, the papists were not only overlooked but encouraged; and, as hath been materially hinted, the laird of Stonehouse, though a papist, in reality acted as sheriff of Nithsdale, and was at the bottom of much of the persecution there though he was so honest to his principles as not to take the test. This may suffice as to the circuits this year; we shall meet with more of this nature the following years.

SECT. V.

Of some other branches of persecution, the plot, and other incidental things, this year 1683.

HAVING thus gone through the more public branches of persecution, by the council, justiciary, and circuits, I come to end my accounts of this year, by some other pieces of the hardships of presbyterians, by fines and otherwise, most of them consequential upon the proclamation about the circuits, and from the courts held by the persons nominate in it, under notion of allowing the benefit of the test; and I shall annex a brief hint at some other things which fell in this year, not so well reducible to the former sections.

By the proclamation for circuits above narrated, power is given to the persons named, officers of the army, broken gentlemen and others, to offer the test; and for that end, they held courts, and pressed the test even beyond the terms of the proclamation: and indeed they might do what they would, for there was nobody to control or call them to an account for what they did. This year Hallyards, named in the proclamation, and a soldier of my lord Airly's, Duncan Grant, with powers from him, held courts in the parish of Kilbride and the neighbouring parishes in the shire of Lanark. This last person was a terror to that neighbourhood; all who were suspect to have been at Bothwell, or to have conversed with such, were at pleasure fined as the said Grant thought good. John Wilson in Hifflet, had his house again spoiled, and lost to the value of £673 6s. 8d. Grant went off for some weeks, but quickly returned with new powers, as he said, from Airly, and in the harvest time, quartered his soldiers, to the number of twenty, in that parish, perfectly on free quarters, sometimes upon one family, sometimes upon another. He seized the last named John Wilson's crop, and made his neighbours swear, whether they were accessory to the shearing or uplifting any of it. Hallyards likewise was upon the same neighbourhood; and the reader will easily form a notion of the oppression of the country at this time, when not only such who were allowed by the proclamation, under the colour of kindness, and to give opportunities to take the test, as was pretended, held their courts, for quite other purposes, in every parish, but their deputes came and oppressed in their name; yea, the same parish was harassed with different persons holding courts for the same faults, and, it may be, both of them coming more than once in the same year. This was indeed a sweeping besom of oppression. 1683.

In harvest this year, Hallyards came with a party of soldiers, upon John Watt in Kilbride, and many others, and destroyed their victual in the most lamentable manner, and all for nonconformity and noncompearance at circuits and courts. In a little time he returned and spoiled John Watt's house; his loss was above 500 merks. John Granger a neighbour of his, for the same cause, was fined, and his house was rifled, and twelve cows, five horses, and other goods taken away, to the value of 1100 merks. I have before me a list of fines exacted in the same parish at this time, which comes to a vast sum. This same violent persecutor held a court at Glasgow, perhaps it might be some little time after. Thither, such in the parishes near by, as could not be reached in the parochial courts, if I may call them so, were cited. Mr James Creichton curate in Kilbride, and others of the clergy were close attendants. A person present informs me, that a woman in Kilbride was called before this court, to give her oath whether she kept the church, which, it seems, she was willing to do. Mr Creichton moved in the court, that

1683. seeing her husband was irregular, and waited not, as he said, upon ordinances dispensed by him, she should be engaged upon oath not to reset or converse with him." The woman answered him, after a little silence, that such an engagement was contrary to her marriage-oath, and boldly asked him, whether, when he married them, he had not made her swear, she should never forsake her husband till death parted them. At this Hallyards and many others present could not forbear smiling; however, he put it off with a jest, saying, 'Goodwife, will you desire your minister once to separate you,' and dismissed her without any further trouble. Indeed the country people, now and at other times, when appearing at such courts, openly blamed the curates for their oppression, and many times to their face; and I find it noticed in the parish of Monkland, much harassed at this and other courts, where the heritors were not inclined to bear hard on the people, that many would have escaped the fury of the soldiers and the courts, had not the episcopal ministers been indefatigable in their informations; yea, they frequently called in the soldiers, and directed them where to search.

At this time, besides the great trouble many in the parish of Evandale were brought to before the circuit, the laird of Netherfield, Alexander Muir in Ploughland, Alexander Hamilton in Halls, and three or four more, were imprisoned for alleged reset and converse; and though little was proven, they were fined in £953 13s. 4d.

It would be likewise remembered, that besides those incidental courts, by virtue of the proclamation foresaid, the ordinary sheriffs and their deputes, either before these commissioned persons came to particular parishes, or afterwards, took care not to want their share in the fines; so that this oppression was so general and repeated, that it is impossible to give a full view of it; yet somewhat of this heavy time may be understood from what is here collected.

Few or no parishes escaped. In the town of Cumnock, William Creichton sheriff-depute held a court, and most part of the men of the parish of Auchinleck were cited before him, and many compelled to swear, whether they kept the church, at least, every third Sabbath. The curate sat in the court with the sheriff-depute. All who came before them were likewise obliged to declare upon oath, what they knew anent their neighbours not keeping the church, and such who would not swear, and engage to regularity, were fined in fifty pounds, whereof they behoved to pay twenty presently, otherwise soldiers were sent to their houses to poynd and drive.

Cornet Graham held his courts in Balmaghie, and the people of that parish and neighbouring parishes were cited to the kirk, and were rudely enough dealt with. When they came before him, they were welcomed with Sir, and frequently 'You dog, hold up your hand and swear.' Then it was asked, 'How many conventicles have you been at since Bothwell, who preached at them, who had their chil baptized,' and the like; and it was thought, by their rudeness and indiscr in many places, they designed to some, whom they could not otherwise to noncompearance. If any thing wa torted from country people by this examination, they were presently fined; and if they saw fit to jealous (suspect) them, and had not full probation, the test was offered them, and if they refused it, they were suspect persons.

In the parish of Penningham and the neighbouring places, multitudes were brought to great trouble by those courts, who never carried arms at Bothwell, Ayrsmoss, or any where else, and upon mere suspicion the test was put to them, though none but heritors were named in the letters about it. In those remote corners, the persons intrusted at those courts did what they pleased. In that parish William M'Ewmont, weaver in Myreton's land, who had never been in any rising, was pressed to take the test, and, upon refusing, sent prisoner to Edinburgh, and in a little time banished, and died at sea.

The laird of Lagg is named in the proclamation for the circuits, and he exercised his power with the greatest of virulence. He kept a court at the old Clachan, and forced multitudes to take the test, and in a very

little time he came again, and obliged many of the same persons to take it over again.

Thomas Lidderdale of St Mary Isle is likewise named, and in the parish of Twinam he carried on the persecution most violently. There was an old infirm man confined to his house, and seemingly in a dying condition; Lidderdale came into his house, and charging him with irregularities, required him to purge himself by taking the test. The poor man refused it, and a party of soldiers presently took away his cow, which was all he lived by, and threatened to carry him to prison in this dying case. Another man in the same parish, after many threatenings, was prevailed on to swear the test. In a little time he was cited to another court, for alleged reset and converse with his own son, and there he was obliged to swear never to reset or speak to his son.

The like courts were held at Kirkcudbright and Dumfries, and all persons whom they were pleased to suspect, and such whom they convict of church-irregularities, had the test put to them, and those who refused were straight committed to prison. These same methods, though not so commonly, were used in the east country. I find about this time a man in the parish of Carrington, attacked for converse with his own son, and harbouring and resetting him for a very little time. They forced him to pay two hundred merks, and when he had done so, he was obliged to take the test, or go straight to prison; but I find it will be endless to insert particulars.

I shall end my account of this pressing of the test, and these courts, towards the close of this year, with a very singular outrage committed at Moffat. This place fell within the commission of the laird of Westeraw. Upon the Lord's day he caused intimation to be made in the church, that the test was to be offered to-morrow in that parish, and summoned all the heads of families to appear. After this intimation was made, this profligate man was heard say openly, 'the devil damn his soul in hell, but before to-morrow's night they should be all damned as well as he.' And next day, when the parishioners came, he raged and cursed among them, threatening the refusers, and then caused them all jointly, in the most confused and disorderly manner, swear it. 1683.

Besides those wicked courts, another thing this year was very heavy to the country, and made finings very severe and general. Particular persons had gifts granted them of the fines imposed by law, in such a precinct, parish, or more, as they were able to make their interest with the leading men in the council; and those donatars of the fines had liberty granted them to make use of the soldiers in uplifting the fines. This way prodigious sums were uplifted, and multitudes squeezed. Ardmillan had this gift for the parish of Straiton, and some neighbouring parishes in Carrick. I have a particular account before me of above five hundred pounds sterling that gentleman exacted from that one parish, this and the following year.

Thus in the city of Glasgow, John Barns had the gift of fines for nonconformity, and used his power with rigour enough. In the former years provost Bell had a grant of the fines by law imposed upon such as kept not the church in terms of law, with power to apply them for the relief of such who had suffered by the great fire in that place, 1678. But I do not find there was any severe exaction of them till this year, when Mr Barns, a man of no substance, was made provost, and he levied the fines with all severity. No accounts were kept of the sums uplifted, but at a moderate computation, it was known he lifted eighteen or twenty thousand merks, from the poorer sort of people there: and I am assured this was but very little, in comparison of the secret bribes, and composition with persons of better fashion. By the very fines for irregular baptisms and marriages, he got a huge sum from merchants and persons of better condition, as they and he could agree; and many were glad, at any rate almost, to save themselves from public trouble. There was never any account made of these vast sums; and this poor man is at this day living in mean enough circumstances, upon the town's public charity, in his old age. Not a few in that town were made to flee from their houses, and reduced to great straits, by

1683. the unmerciful exaction of those fines.

In October and November this year, searches were very common and severe in towns, especially in Glasgow. Whenever the curates or soldiers got notice of the return of any who had been absent from courts, and for a little retired from their dwellings, or of any people come into town from the country, presently a search was ordered. All who were strangers, unless they presently complied with their catechism, and answered their queries satisfyingly, were carried to the guard or the prison. At these searches multitudes were taken, and, without any libel, probation, or sentence, were sent into Edinburgh, or otherwise dealt by as the officers of the soldiers pleased. No man against whom an informer had a grudge, was safe; and in the searches at Glasgow, frequently good numbers were ordered to lie round the town, to catch such, who, upon the search, offered to flee, and by this means many were seized.

In October this year, William Inglis mason, was taken out of his bed in his own house, merely from an information he was a nonconformist, and remained long in prison, and was at last banished to Carolina, where he died. The same month George Jackson, in the parish of Eastwood, was taken at Glasgow, being discovered by being overheard at prayer, and consequently suspect for a presbyterian. We shall meet with him afterwards at his execution. In November, John Richmond was taken by major Balfour, and died publicly next year. That same night, John Dick and John Williamson were taken; the first was banished to Carolina, John Williamson made some compliances, for which he showed evident repentance, and was after the revolution a minister of this church. Having catched three that night, they were in hopes of some more, and early next morning the town was surrounded with horse, and that day a second general search was made; it was very narrow, and began about eleven of the clock. No place was left unsearched, cellars, ceilings of houses, chests, and all by-places they could discover were carefully observed. I hear of none taken but John Main, who had arms about him, and was seized in the Gorbals, and we shall afterwards meet with him at his execution.

In December, another grand search was made at Glasgow. No secret was made of it some days before, that suspect persons might retire. Meanwhile, care was taken to have soldiers waiting without the town, at some little distance on all airts, to seize such as should venture to go off. It was at this search, or some other time this month, that John Buchanan a student was taken, and after a good while imprisonment was sent off to Carolina.

Toward the end of this year, the persecution was very violent and severe. I add one instance more, which is singular enough. James Dunn in Beuwhat, in the parish of Dalmellington, a very peaceable, and pious man, who could not be reached by law as to his personal carriage, except for nonconformity, suffered very much in his family. He had four sons, one of them with a son-in-law of his were killed by the soldiers, another was banished, the other two were severely hunted and harassed. It is his fourth son Quintin Dunn I am here to speak of: in December he was taken for his nonconformity, and indeed he was capable of no other crimes, not being yet full fourteen years of age. However, the party of soldiers took him into Ayr, and put him in prison, without having any thing to lay to his charge. All this the boy did bear, with a staidness and composure far beyond his years. When his father came to Ayr, though there was nothing worthy of death or of bonds to lay to his door, yet he could not get him liberate, till he paid down two hundred and forty pounds. I question it they would have got so much for him, if they had sold him as a slave, as they did afterwards, as we may hear.

Having thus gone through what directly relates to the sufferings this year, I come to gather up some other things which came not in so directly upon the former heads. In March this year, a letter comes down from the king to the council, and one of the same import to the lords of justiciary, ordering extracts to be made out of the registers, of the trials of such as

were condemned for rebellion. The letter will best speak for itself.

"Charles R. Right trusty, &c. Whereas we have thought fit to appoint extracts to be made out of the books of adjournal of our justice-court, of the trials of some of the most notorious rebels, as also of the trial of John Niven, and those persons found guilty by a great assize of error, and likewise of all papers whatsomever relating to the trial of Archibald late earl of Argyle, and the process of forfeiture led against him, to the end the same may be digested and methodized by Charles Hanses of Gray's Inn, Esq; and published for the satisfaction of our good subjects: we have hereby thought fit, to authorize and require you to transmit to our secretary of state, to be delivered to the said Charles true and exact copies of all proclamations, letters, examinations, confessions, trials, indictments, declarations, and since the decease of our royal grandfather King James VI. of blessed memory, that relate to public matters, our prerogative, the former and late rebellions, the rebels their suppression or caption, the security of the peace whether in church or state, or the advancement of the interest of our bishops and their regular clergy in that our ancient kingdom, and of all informations, relations, or petitions, sent to our privy council from time to time, about any thing of this nature, as conventicles, insurrections, insolencies, or cruelties of fanatics, and such other papers of any public concern, which you judge most proper to be published, for the satisfaction of all good subjects; which are to be attested under the hand of our chancellor. Given at Whitehall, February 21st. &c. "MIDDLETON."

Another letter to the same purpose I find recorded March 12th in the justiciary-registers, ordering extracts as above, and further requiring 'copies of the several treasonable declarations, proclamations, bonds of combination in Sanquhar, Lanark, Rutherglen, and those affixed to church doors, and all papers relative to David Hackston, James Skene, Archibald Stuart of Borrowstonness, John Potter labourer, Isobel Alison, John Murray seaman, Christopher Miller weaver, William Gogar in Borrowstonness, Robert Sangster, Adam Philip, Andrew Pittillo, Lawrence Hay, labourers, Mr Donald Cargill, Mr Walter Smith, Mr James Boig, preachers, William Thomson labourer, William Cuthill seaman in Borrowstonness, Patrick Foreman, Robert Garnock, David Ferry, James Stuart, Alexander Russel, Christian Fyfe, Robert Gray an English gentleman, and John Mein captain of the ship called the Fortune of London; as also of Alexander Blair, Lewis Johnston, and Thomas Noble, merchants, Captain John Binning vintner, Alexander Bothwell of Glencorse, James Bailie merchant, Mr Andrew Temple of Ravelridge, James Baird of Sauchtonhall, Robert Sandilands, James Gray of Warriston, John Dundas of Arniston, John Lindsay taylor, Robert Eliot wright, Alexander Henrison of Newhaven; all which were a grand assize of error; and likewise all debates and pleadings in the several processes, which the said Charles shall call for; as also the trials of any persons whatsomever, who have been before our justice-court any way, which they shall think fit to be published.' 1683.

What was done in prosecution of this design I know not. I have found nothing in the registers as to any thing actually sent up, nor heard of any narrative published at London by Mr Hanses, or any other of the extent this seems to have been designed. Whether it was, that, upon reflection, the managers were ashamed of their procedure, or that Sir George Mackenzie had this in his view in the history he was now writing, or what the reason was, I cannot determine. Had any thing of this nature been done with any sincerity, it would have saved me a great deal of time and trouble.

May 22d. I find the laird of Claverhouse is made a privy counsellor. We have heard of his particular diligence in the persecution, and we shall afterward have more instances of his severity, and as a *premium* of his unwearied efforts to bear down the presbyterians, he is taken into the management of affairs, being made a privy counsellor.

In June this year the business of the rye-house plot broke out in England, which I shall very much leave to English historians.

1683. June 21st it was given out that a great conspiracy was discovered, extraordinary councils were frequently held, and it was alleged they had evidence, that a designed project was formed, when the king was passing betwixt New-market and London, to bring in the waggons loaded with carriages at the time the king was to go through a narrow passage, this strait place being stopped by the waggons, the king's coach and the duke's would inevitably be stopped, and at this time a dozen of blunderbushes were to be unloaded upon the king and duke. And some other things were shaped out to be done, about the place called the Rye-house, from which place this plot gets its denomination.

Doctor Spratt, late bishop of Rochester, hath published the history of this plot, and it is in every body's hands, alleged to have been revised by king Charles before his death, and printed by king James' special order. The author, when only doctor, struck heartily in with the duke of York's measures, and wrote this narrative with a plain party-design, and when afterward advanced to a bishopric in queen Anne's time sufficiently discovered his bias to the side who were no friends to the protestant succession. This is not a place to make reflections upon the doctor's performance, so much hugged by people of that side. I shall leave this to such as write the English history; and as to what relates to Scotland and Scotsmen, I'll now and then have occasion to set several things the doctor misrepresents, in their proper light. There is one thing so palpably unfair, and contrary to what he himself relates, as well as other unquestionable evidences, that I wonder this performance is so much valued even by his own party. Page 21, edit. 4, 1696, he tells us, "The whole proceedings towards the discovery of the plot, were managed by all imaginable integrity, there was no straining or extorting of accusations, no temptation of reward proposed, no pardon assured beforehand." For the first branch, it is certain that the English law did not allow torture, and yet there seems to have been straining and extorting, else why was West ten times examined? and we have heard Earlston was ordered though even under sentence of death to be tortured. The torture of Mr Spence and the reverend Mr Carstairs, are what every body knew. And we shall find, when we come to the case of the last named excellent person, that he had very large promises of reward made him. The doctor could not but know those and other strainings and rewards proposed in this matter, and with what sincerity such paragraphs were published by him the world will observe. Much of what the doctor says, to fix this plot upon protestants, seems to be overthrown, and the plot fixed upon others by that one fact which is asserted by the best English historians. Mr Robert Ferguson was certainly as deep in this matter as it can be pretended any other was, and yet when Mr Secretary Jenkins gave a warrant to Mr Legate the messenger, to seize the persons alleged to be in the plot, he gave him likewise the strictest orders not to take Mr Ferguson, yea, to shun him, and if he should meet with him, even to suffer him to escape. The consequences of this are obvious, and bishop Kennet very justly observes, "that the fashion of the court was now to disbelieve the whole of the popish plot, and to talk of nothing but the plot of the presbyterians." Of which a late writer says, most people looked on it as the contrivance of the jesuits to baffle the popish plot and crush the ring-leaders of that party, who for several years had so warmly endeavoured to prevent king James' accession to the throne. He afterward remarks, that many concerned were executed in king Charles' time, and upon king James' accession the court being resolved to prosecute the rest, "the eloquent pen of doctor Spratt was industriously set on work to palliate the flaws of Keeling and other witnesses' depositions: accordingly in the beginning of June, he published his account of the plot, adorned with all the flourishes of oratory, which are so far from persuading, that they rather give truth an air of fiction. But however, as affairs were then managed, romance was as fit to serve the court as true history." But I shall leave the doctor's performance.

That at this time the duke of York's engrossing all into his hands, and the wide

steps taken for introducing papists and popery, awakened some noblemen and gentlemen to meet together secretly, and consult upon measures proper for the preserving the protestant religion, and liberty of the subject, is very plain, and that some of the best and greatest men in the age were concerned in these innocent meetings: but that ever my lord Russel, colonel Sidney, the earl of Argyle, the laird of Jerviswood, Mr William Carstairs and others, were dipped into any murderous design, is denied by themselves, was never proven against them, nor never will be. This will appear at more length, when I come to hint at the particular processes of the Scotsmen said to be concerned in the plot. All I design here, is but to give a very short hint of what I meet with in the registers this year upon this head. A letter comes down to the council, dated June 27th, acquainting them with the plot, and ordering them to search for Mr Robert Ferguson, and requiring them to compare a letter of Jerviswood's, as was supposed, with one in his hand, which Earlston had. June 28th, I find the English proclamation against the plotters, as they were called, published, ordering James duke of Monmouth, Ford lord Gray, Sir Thomas Armstrong, and Mr Robert Ferguson to be apprehended. And indeed this plot, as to the murdering part of it, seems to have been contrived by the duke of York, for the staining the duke of Monmouth and Buccleugh, and getting him removed for ever from court; and several excellent gentlemen in England were sacrificed to this jealousy of the duke of York.

I find another letter was read in council, July 2d, bearing, "Whereas we have thought fit, for the good of our service, to appoint all our officers of state, our privy counsellors, and all others employed in any trust and station, not to depart out of that our ancient kingdom without leave from us or you, it is now our will and pleasure, and we do hereby authorize and require you, in such a manner as you see most proper, to order all the foresaids to attend our service in their stations, and not to depart forth of the kingdom on their peril."

July 4th, the council issue out a proclamation against the duke of Buccleugh and Monmouth, and others named in it, which I have insert below,* where the reader will see, that all Englishmen which came to Scotland since June 20th, 1683.

* *Proclamation against the duke of Buccleugh, and other traitors, July 4th, 1683.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: whereas there hath been lately discovered, in our other kingdom of England, a most traitorous and damnable conspiracy, for compassing the death and destruction of our royal person, and of our dearest and only brother, James, duke of Albany and York, our commissioner for this our ancient kingdom, and for the subversion of our government and kingdoms: and forasmuch as we have received information upon oath, that James duke of Buccleugh and Monmouth, and Ford lord Gray of Wark, Sir Thomas Armstrong knight, Mr Robert Ferguson a fanatical preacher, and notorious traitor, a native of this our kingdom, now an indweller in England, colonel John Rumsey, Richard Rumbold maltster, Richard Nelthorp esquire, Edward Wade gentleman, Richard Goodenough gentleman, Captain Walcoat, William Thomson, James Burton, and William Hone joiner, subjects of that our kingdom of England, with divers other wicked and desperate persons, have most traitorously conspired together for this effect, and for that end have had several treasonable consultations, to provide arms, to levy men, and to make an insurrection in our kingdom of England: and we understanding, that the said conspirators are fled, and have left their habitations, to avoid the justice of our laws, and the punishment due to such an horrid and execrable treason; and considering that the said James duke of Buccleugh, and some other of the forenamed conspirators may retire unto, and lurk in this our ancient kingdom, do therefore, with advice of our privy council, require and command the said James duke of Buccleugh and Monmouth, Ford lord Gray, Sir Thomas Armstrong, Mr Robert Ferguson, colonel John Rumsey, Richard Rumbold, Richard Nelthorp, Edward Wade, Richard Goodenough, captain Walcoat, William Thomson, James Burton, and William Hone, if they, or any of them, have retired unto, or shall come into this kingdom, forthwith to render themselves to some of our privy council, sheriffs, stewarts, or other judges and magistrates, that they may be tried and proceeded against according to law. And we command and charge all sheriffs, stewarts, bailies, justices of peace, magistrates of burghs, and all other judges and magistrates, and the officers of our forces, and all our subjects whatsomever, to make diligent search and inquiry after the said conspirators and traitors, in all places where they may be suspected to lurk or abscond; and if they shall happen to apprehend any of them, or if any of these conspirators shall render themselves, we strictly charge them to commit the person or persons so apprehended, to sure

1683. are immediately to be apprehended, all ships are to be searched, and every person who cannot make it appear he is come on the account of trade allenarly, is to be seized, and an embargo is laid upon all ships, and they discharged to sail till they give in lists of all persons aboard their vessel, with several other arbitrary clauses which the English proclamation wants. And indeed, our doers at Edinburgh were accustomed to a great many severities and heavy articles, in their proclamations and other public papers, which the English were absolute strangers to. That same day a proclamation was published in the terms of the above letter, discharging all officers of the army, of state, privy counsellors, and magistrates, to go off the kingdom, and ordering them most strictly to their posts. It is before me, but needs not be insert. And at the same diet the council send up a most flattering address to the king, congratulating his majesty upon the discovery of the plot, and acquainting him, that they were appointing a thanksgiving for this.

It is August 7th before this proclamation for thanksgiving is insert in the records, and it is September 9th before it is kept.

---

prison, and presently to inform our privy council of their being apprehended: and for this end, we, with advice foresaid, do hereby require and command all our foresaid judges, officers, and subjects, to inquire and search, if these conspirators, or any other of our English subjects, have lately come, or shall come into this our kingdom, and to cause them to be immediately seized and secured, till they be examined, and our privy council informed concerning them; certifying all such persons as, after this our proclamation, shall directly or indirectly conceal, reset, harbour, or maintain the said traitorous conspirators, or any of them, or shall either contrive or connive at any means, whereby they, or any of them, may escape, from being taken, and presented to justice, or shall not give due and timeous information and advertisement to our privy council or our other judges and magistrates, concerning their lurking places, concealers, harbourers, resetters, intercommuners, or connivers, that they shall be proceeded against as being art and part in, and abettors of this execrable conspiracy and treason, according to the uttermost severity of law: and we declare, that whosoever shall discover the foresaid conspirators, or any of them, and shall cause them, or any of them to be taken and apprehended, and brought into any of our judges, or officers foresaid, shall have a reward of five hundred pounds sterling, for each of the four persons first named in this our proclamation, and of one hundred pounds sterling, for each of the other persons therein mentioned, to be paid to him or them, in recompense of so good and acceptable a service. And for the more effectual prosecution hereof, we hereby require and command all our sheriffs, bailies of regalities, and stewarts of stewartries, on the east, west, and middle marches of this our kingdom, and within the shires of Argyle, Ayr, Dumbarton, and Inverness, as also all collectors and their deputes, customers and waiters, immediately upon sight hereof, not only to inquire for, but to seize the persons of any Englishman, who hath come into this kingdom, from and since the twentieth day of June last, or who shall hereafter come into the same, before the first of August next, who cannot give a good account of themselves or their affairs, who are to require concurrence of all our lieges, in the execution hereof, and they are to give the same as they will be answerable at their highest peril: as also, we strictly require our vice-admiral, and all in office under him, and all sheriffs, bailies, stewarts, magistrates of burghs, justices of peace, and all customers, surveyors, and waiters, and all our other subjects, to search all ships and vessels, which shall come upon the coasts of this kingdom, or isles belonging thereto, and to seize all such persons, strangers or natives, who shall not make it appear by clear evidence, that they are come upon the account allenarly, and to acquaint our privy council from time to time, that they may receive their further orders thereanent: as likewise, to search all such vessels or ships, for arms, ammunition, and other warlike provisions, and for treasonable or seditious papers or letters, and where any such is found, to secure the ships, men and goods, till our council be made acquainted therewith, and their commands known thereanent. And further, we prohibit all masters of ships, to set sail with their ships, from any port of this kingdom, before they first give in upon oath a list of all their seamen, and other passengers, to the ordinary magistrates or customers, timeously, at least forty eight hours, at the ports before they sail, under the pain of confiscation of the ship and goods of such masters as shall transport any other, than such as are mentioned in the said list, or any of any other name, than as they are designed in the said list, besides what other punishment our council shall think fit to inflict; and if any of these contained in these lists, appear to be suspicious persons, the ordinary magistrate upon the place, or customers, collectors, their deputes, surveyors, and waiters, are hereby commanded to secure such persons, and to inform the magistrates of the burghs, or sheriffs of the shire within which the said ships shall happen to be. And that our will and pleasure herein may be published, and made known to all our good and loving subjects, our will is, and we charge you straitly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and several market-crosses of the head burghs of this our kingdom, and other places needful, and thereat, in our name and authority, by open proclamation, make publication of the premises, that exact obedience may be given thereto, and none may pretend ignorance.

Given under our signet, at Edinburgh the fourth day of July, one thousand six hundred eighty and three, and of our reign the thirty fifth year.

Per actum Dominorum secreti concilii.

WILL. PATERSON, Cl. Secr. Concilii.

The occasion of this delay seems to have been to keep pace with England in theirs. The trials of the excellent lord Russel, captain Walcot, Mr Rouse, and some others, are in every body's hands, and their speeches and letters in print. When those were despatched under colour of law, and the government, or rather the duke of York, were rid of some whom they were unwilling should live, a day of thanksgiving is appointed for his majesty's merciful deliverance, in England and Ireland. The English declaration is pretty large, and alleges a general insurrection was designed, and that a correspondence was established in Scotland, and that the earl of Argyle, Lord Melvil, Sir John Cochran, Mr William Carstairs, and others, were concerned in it. This paper was reprinted with the Scots proclamation, ordered for solemnity's sake to be read twice from every pulpit, to impress the people the more with ill thoughts of the presbyterians on whom they would fix the plot. I have inserted this declaration.* There are several matters of fact 1683.

* *English declaration for thanksgiving, September 9th, 1683.*

CHARLES R.

IT hath been our observation, that for several years last past, a malevolent party hath made it their business, to promote sedition by false news, libellous pamphlets, and other wicked arts; whereby they endeavoured not only to render our government odious, and our most faithful subjects suspected to the people, but even to incite them to a dislike and hatred of our royal person; whereupon it was evident to us, that the heads of this party could have no other aim, but the ruin of us and our government. And whilst, by our utmost care, we manifested to all our subjects, our zeal for the maintenance of the protestant religion, and our resolutions to govern according to law, it was a great trouble to us to find, that evil persons, by misrepresenting our actions to the people, should so far insinuate themselves into the affections of the weaker sort, as that they looked upon them as the only patriots and assertors of their religion and liberties, and gave themselves up entirely to their conduct. As their numbers increased, so did their boldness, to that height, that by often showing themselves in tumults and riots, and unlawful and seditious conventicles, they not only engaged, but proclaimed an impunity to their own party, who thought themselves already too strong for the laws, and they seemed to believe, that in a short time they should gain upon the people, so as to persuade them to a total defection from the government. But it pleased God, by these their violent ways, to open the eyes of our good subjects, who easily foresaw what troubles these methods would produce, and thereupon, with great courage, as well as duty and affection towards us, upon all occasions, did manifest their resolution and readiness in defence of our person, and support of our government, and the religion established; and did likewise convince the common people of the villanous designs of their factious leaders, and the miseries that would befall them in pursuing such courses. By these means the factious party lost ground daily, and finding that it was impossible to keep up the spirits of their followers, against the religion established, and the laws, whilst we were steady in the maintenance and execution of them, became desperate, and resolved not to trust any longer to the slow methods of sedition, but to betake themselves to arms, not doubting, but that they remained still strong enough, by force to overturn the government, which they could not undermine. It is hard to imagine, how men of so many different interests and opinions, could join in any enterprise; but it is certain, they readily concurred in the resolution of taking arms, to destroy the government, even before they had agreed what to set up in the place of it. To which purpose, they took several ways: for, whilst some were contriving a general insurrection in this kingdom, and likewise in Scotland, others were conspiring to assassinate our royal person, and our dearest brother, and to massacre the magistrates of our city of London, and our officers of state, that there might be no appearance of government, nor any means for our subjects to unite for their defence. In case it had pleased God to permit these wicked designs to have taken effect, there could have been nothing in prospect but confusion; for, instead of the reformation they pretended, their success would have produced divisions and wars among themselves, until the predominant party could have enslaved the rest, and the whole kingdom. But the divine providence, which hath preserved us through the whole course of our life, hath at this time, in an extraordinary manner, showed itself in the wonderful and gracious deliverance of us and our dearest brother, and all our loyal subjects, from this horrible and damnable conspiracy.

As it is therefore our desire, that all our loving subjects should join with us, in giving thanks to almighty God for this mercy, so we thought it necessary they should be now, in some measure, informed of the fact as it hath been discovered to us by undoubted proof, and the confession of divers of the accomplices in this conspiracy, whereof, though we have not as yet perfectly traced all the particulars, the principal and main designs of it, nevertheless, have appeared to be as followeth. About the beginning of October last, when the heads of the faction saw the magistracy of our city of London settled in persons of loyal principles, they became impatient, and fell immediately to consult of rising in arms; for which some thought their party so well prepared, that they could not fail of attaining their ends, whenever they should break out into open force. Whereupon there was a meeting of some of the principal conspirators, to agree about the best means to master our guards, and to seize our person; but, upon consideration, they found it necessary to prepare their friends in the several counties, as also the disaffected party in Scotland to join with them, without which, any attempt

in it, which, I doubt not, were laid
1683. before the king and council, but

in our said city, or upon our guards, appeared too rash to be undertaken; so that they laid aside the thoughts of a present rising, and disposed themselves to find, by a correspondence with Scotland and with several parts of this our kingdom, how far they might be assisted by a general insurrection, so that they might not, in human probability, fail of success. Whilst this first design was forming, some villains were likewise carrying on that horrid and execrable plot of assassinating our royal person, and our dearest brother, in our coming from Newmarket, and money was deposited for that purpose. But by the shortness of the time, (we being then immediately upon our return) and for want of necessary preparations, they were forced to defer the execution of it till further opportunity: It was then proposed among them, whether they should attempt the same at our next going to Newmarket, in March last; but some objected, that our guards, which usually remain here some time after our departure, would be capable of making a great opposition, upon the arrival of the news. For which reason, and because they were not then in a sufficient readiness, it was agreed to be done at our return from Newmarket. The place appointed, was the house of one Richard Rumbold a maltster, called the Rye, near Hoddesdon, in the county of Hertford; and it was resolved, that forty persons in number, who were to be actors in this assassination, under the command of the said Richard Rumbold, should hide themselves in or near the said house; and, when our coach should come over against them, then three or four were to shoot with blunderbushes, at the postillion and horses, and, if they should fail of killing the horses, some were to be ready in the way, who, in the habit of labourers, should turn a cart cross the passage, and so stop our coach; others were appointed to shoot into the coach, where our royal person, and our dearest brother were to be, others to fire upon the guards that should be then attending us. And it was further resolved, that, upon the same day, many lords and other persons of quality, whom they supposed favourable to their design, should be invited to dine in our city of London, that they might be the more ready to appear among the citizens upon arrival of the news, the actors in the said assassination having contrived the manner of their escape, by a nearer passage than the usual road; by which means they hoped to get to London, as soon as the news could be brought thither. They thought it would be easy, upon their perpetrating this horrid fact, to possess themselves of the government presuming upon the numbers of the disaffected. But lest the blackness of such an action might deter many from joining with them, they prepared to palliate it, as far as they could, by some remonstrance or declaration, which was ready to be printed and dispersed in that confusion to amuse the people; and lest our officers of state, and the magistrates of our said city, with the militia thereof, and other our loyal subjects, should be able to put some stop to their career, they resolved to follow this blow with a massacre, wherein they particularly designed for immediate slaughter, our officers of state, the present lord mayor, and sheriffs, and the magistracy of our city, and other our subjects that had been most eminent for their loyalty. But it pleased almighty God, by his wonderful providence, to defeat these counsels, by the sudden fire at Newmarket, which necessitated our return from thence before the time we had appointed. Yet these villains were not thereby discouraged from pursuing the same bloody design, but resolved to take the first opportunity for effecting the same, and proposed to themselves, that it might be done either in our passage from Windsor to Hampton-court, or in our journey to Winchester, or when we should go by water in our barge, or under Bedford garden-wall, as we should pass that way, or at the ball feast, which was to be in Red-lyon-fields, they being informed, that we and our dearest brother had intentions of coming thither. And that they might be the better prepared, when there should be occasion, by having a certain number of arms lying always ready for that purpose, arms for forty men were bespoke in all haste, viz. thirty carbines with belts and swivles, thirty cases of pistols, and ten blunderbushes, which were accordingly made and paid for. And for the more easy drawing their party together, against the time of execution, they contrived to divide our cities of London and Westminster, and the suburbs, into twenty parts, from each of which they expected five hundred men to be ready at the first onset; and some agitators were to give an account of the men to be furnished in each division, and to give out orders to them as there should be occasion. And to the end the forces they should raise might be the sooner modelled into the form of an army, there were one hundred old officers, who had been engaged in the late rebellion, ready in town to take the command of them: in the pursuit of which project, they continued till they knew that a discovery had been made unto us.

During all this time, the principal conspirators were managing their other design for a general insurrection in both kingdoms. The late earl of Shaftsbury, who had at first pressed them to sudden rising, which he would have had before the 17th of November last, or upon that day at the farthest, sent to the conspirators, at a meeting appointed by them, to know their resolution; and finding they would not adventure without further preparation, conveyed himself secretly into Holland, to avoid the danger he might be in by a discovery. His withdrawing himself from their counsels, did not discourage them from pursuing their design, only made them more cautious; whereupon a new council was appointed of six persons, that were to have the chief management of affairs, in order to a general insurrection, by a correspondency with their party in Scotland, and several counties of this our kingdom: and because a correspondency by letters was thought dangerous, it was held necessary that some person should be sent into Scotland, to invite the heads of the disaffected party in that our kingdom, to come hither, under pretence of purchasing lands in Carolina, but, in truth, to concert with them the best means for carrying on the design jointly in both kingdoms; and a treaty was thereupon had with Archibald Campbell late earl of Argyle, al-

afterwards were discovered to be groundless and false. It is dated July 28th, 1683

The Scots proclamation is dated August 7th, and is inserted below.* To throw an odium upon the presbyterians in Scotland, it is intituled, " Proclamation indicting a thanksgiving for the deliverance from the fanatical conspiracy ;" and fanatical, the ordinary term for expressing presbyterians, is joined in the body of the 1683.

ready attainted of treason, who demanded thirty thousand pounds at first, but afterward agreed to accept of ten thousand pounds, for buying of arms in Holland, and making other provisions necessary for a rebellion, within our kingdom of Scotland. In the said council of six, it was debated, whether the rising in this kingdom should be first in our city of London, where, by reason of the vast numbers that might readily unite, they thought they might easily master the guards, or rather in some remote parts, whereby we should be under a necessity of sending our guards to suppress them, and thereby the rising in our said city would become more secure and effectual: but at last it was resolved, as most convenient, that it should be in all parts at the same time, lest our city might be defended by the militia thereof, without the help of our guards, which we might send for the suppressing any insurrection in the country; and they did all dispose themselves accordingly, for compassing their design, which was very near taking effect.

But such was the abundant mercy of almighty God, while they were yet meditating their execrable mischiefs against our royal person, our dearest brother, and the government, a discovery was made unto us by one of the accomplices, on the twelfth of June last, since which time we have used the best means we could, for the detecting and prevention of so hellish a conspiracy. But so it has happened, that divers of the conspirators, having notice of warrants issued out for their apprehension, are fled from justice, viz. James duke of Monmouth, the lord Melville, Sir John Cochran, sir Thomas Armstrong, Robert Fergusson, who was the common agitator entrusted by all parties in the several conspiracies, Richard Goodenough, Francis Goodenough, Richard Rumbold the maltster, William Rumbold his brother, Richard Nelthorp, Nathaniel Wade, William Thomson, James Burton, Joseph Elby, Samuel Gibbs, Francis Charleton, Joseph Tyley, Carstairs, Lobb, both nonconformist preachers, Edward Norton, John Row, John Aylief, and John Atherton. Ford lord Gray being apprehended, made his escape out of the hands of a serjeant at arms, and Arthur late earl of Essex, being committed to the tower for high treason, killed himself. Others have been taken and committed to custody, some of whom, viz. the lord William Russell, Thomas Walcote, William Hone, and John Rouse, have, upon their trials, been convicted, attainted, and executed according to law. This we thought fit to make known to our loving subjects, that they being sensible (as we are) of the mercy of God, in this great deliverance, may cheerfully and devoutly join with us, in returning solemn thanks to almighty God for the same. For which end, we do hereby appoint the ninth day of September next, to be observed as a day of thanksgiving, in all churches and chapels within this our kingdom of England, dominion of Wales, and town of Berwick upon Tweed, in such manner as shall be by us directed, in a form of prayer with thanksgiving, which we have commanded to be prepared by our bishops, and published for that purpose. And it is our pleasure, that this declaration be publicly read in all the said churches and chapels, as well on Sunday the second of September next, as upon the day of thanksgiving aforesaid.

Given at our court at Whitehall, the eight and twentieth day of July, 1683, in the five and thirtieth year of our reign.

* *Proclamation for a Thanksgiving, August 7th, 1683.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: to all and sundry our good subjects, greeting: forasmuch as almighty God, in his great mercy, and by his wonderful providence, hath brought to light, defeated and confounded a most unnatural, traitorous, and diabolical conspiracy, contrived and carried on by persons of fanatical, atheistical, and republican principles, for taking away our sacred life, and the life of our dearest brother James duke of Albany, subverting of our government, and involving these kingdoms in blood, confusion and miseries; concerning which treasonable conspiracy, we have emitted our royal declaration, to all our loving subjects, at our court at Whitehall, the 28th of July last, in this 35th year of our reign, which we have ordered to be reprinted here: and we being deeply sensible of the humble and grateful praises and adoration we owe to the divine majesty, for this great and signal instance of his watchful care over us, whom he hath so long preserved, and so often delivered by miracles, have, out of our religious disposition, readily approven of an humble motion made to us, for commanding a solemn and general thanksgiving, to be religiously observed throughout this whole kingdom, to offer up devout praises and thanksgiving to almighty God, for this eminent and miraculous deliverance granted to us, and in us, to our loyal and dutiful subjects; as also, fervently to pray, that God may continue his gracious care over us, and his mercies to these kingdoms, and more and more bring to light, defeat, and confound all traitorous conspiracies, associations, and machinations against us, our dearest brother, and government, we, with advice of our privy council, have therefore thought fit, by this our royal proclamation, to indict a general and solemn thanksgiving, to be observed throughout this kingdom, that all our loving subjects may offer their devout praises and gratulations, and their fervent prayers and supplications, to almighty God, for the purposes aforesaid: and we strictly command and charge, that the said solemn thanksgiving be religiously and devoutly performed by all our subjects and people within this our kingdom, upon the ninth of September next. And to the end this part of

1683. proclamation, with atheistical and republican principles, and named in the first room, as being, in the sense of the penners of this proclamation, the worst of the three. They likewise make the king to say, 'That providence had often delivered him by miracles;' and in a few lines again, it is termed 'a miraculous deliverance.' How well this came from the pen of court-parasites, and flattering ministers, I shall not determine; but it is plain, common decency might have kept them from putting this in the king's own mouth, especially since it was not true.

What I meet with further in the registers this year, as to the Scots gentlemen alleged to be concerned in the plot, I shall delay to the next, because it will come in with more advantage, when the particular processes against them fall in; and this year, the processes are almost but tabled against them.

It is not my work to take notice of the prosecutions in England upon this score, otherwise, besides the worthy persons already named, I might acquaint the reader, that November 21st this year, that good and great man Algernon Sidney was executed. One of the great articles insisted upon against him, were some things alleged to be of a seditious nature, pretended to be under his hand, among some papers that were found in his closet. If I mistake not, it was a loose leaf or two of that gentleman's excellent discourse upon government, since published, and so justly and generally valued. Mr Sidney pleaded, that the comparing of those alleged papers of his writing, with letters produced under his own subscription, and the likeness of both, was no sufficient evidence they were his writing, since he offered, in a few hours, to produce writ so like any hand should be given him, that the court should not be able to distinguish: and further, that it was very hard to make a man answerable for every thing found in his closet, when the spreading or publishing it to others, was not so much as alleged. But all those defences were overruled, and this great man was sentenced to die. This instance comes nearest our sanguinary measures in Scotland, of many things I meet with in England.

These violent methods were the effects of the spite and rage of the duke of York, against his rival the duke of Monmouth and Buccleugh; and it was to remove him from the king, and to fright his friends, and the assertors of the nation's liberty, that these bloody steps pointed at. The duke himself was forced to abscond for some time, though it is plain enough, that the correspondence betwixt his father and him did not break off; and he found means, by his friends, so fully to vindicate himself from any share in the alleged plot, that in a little time he got liberty to appear openly at court, and was received with plain affection by the king his father. This extremely displeased the duke of York and his party, and therefore his creatures used the utmost diligence to impress the court and king with stories to the duke of Monmouth's disadvantage, and at length prevailed with the king to dismiss him from his presence. This was so great a point gained, that an express comes down with the accounts of it to our managers at Edinburgh, who were entirely the duke of York's servants, and they find it convenient to read them in council; and the curious reader will be gratified with the authentic account of this matter, which is as follows, from their

---

divine worship, so pious and necessary, may be uniformly and at the same time offered by all our loving and loyal subjects, we hereby require the reverend archbishops and bishops, to give notice hereof to the ministers in their respective dioceses, that upon the Lord's day immediately preceding the said ninth day of September next, as also upon the said ninth of September, they cause read and intimate this our royal proclamation, from the pulpit, in every parish church, together with our foresaid declaration, dated at our court at Whitehall, as said is, and that they exhort all our subjects to a serious and devout performance of the said prayers, praises, and thanksgiving, as they tender the favour of Almighty God, and the safety and preservation of our sacred life and government: certifying all such as shall contemn or neglect this so religious and important duty, they shall be proceeded against, and punished as contemners of our authority, and as persons highly disaffected to our person and government: and ordain these presents to be printed.

Given under our signet at Holyrood-house, the seventh day of August, one thousand six hundred and eighty three, and of our reign the thirty-fifth year.

Per actum dominorum secreti Concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save the King.

books. "Upon the 12th of December, his majesty was pleased to acquaint the lords of council, that since he had received the duke of Monmouth into his mercy, having had several reports, that the said duke's servants, and others from him, endeavoured to make it be believed, that he had not made a confession to his majesty of the late conspiracy, nor owned the share he himself had in it; his majesty had thought fit, for the vindication of the truth of what the said duke had declared to himself, his royal highness being present, to require him in writing, by way of letter under his own hand, to acknowledge the same; which the duke having refused to do in the terms commanded him, his majesty was so much offended therewith, that he had forbidden him his presence, and commanded him to depart the court. And for the information of the council, his majesty directed the letter the duke had been required to sign, to be entered as follows, and was pleased to declare that the same should be no secret." A copy of the letter, transcribed from the copy of his majesty's own hand-writing, follows. "I have heard of some reports of me, as if I should have lessened the late plot, and gone about to discredit the evidence given against those who died by justice. Your majesty and the duke know, how ingenuously I have owned the late conspiracy. Although I was not conscious of any design against your majesty's life; yet I lament the having had so great a share in the other part of the conspiracy. Sir, I have taken the liberty to put this in writing, for my own vindication, and I beseech you to look forward, and endeavour to forget the faults you have forgiven me. I will take care never to commit any more against you, or to come within the danger of being misled from my duty, but make it the business of my life to deserve the pardon your majesty hath granted to,

"Your dutiful, M."

At first view, one would think this letter is in such safe generals, that the duke of Monmouth needed not have scrupled to sign it; but this was a contrivance his enemy put upon his father, and he considered the handle the duke of York would have made even of this much under his hand; and that this yielding to the king would not have secured the duke from the after designs of the popish party: and being confident of his own innocence, and not without hope of the king's good intentions to him, though at present put upon by the duke of York, he retired a second time, and so the duke of York had the more room for executing the designs, probably now hatching, which afterwards broke out, when the king was thinking to make himself easy for his whole life, by a change of people about him, in the king's sudden removal. Let me only remark further, that this account, recorded at the king's command in the council-books, appears more probable than the story Dr Spratt hath, page 208, 209, 'That the duke first signed the letter, and then got it back from the king.' 1683.

I come to end my accounts of this year, by taking notice, that while our council and army are employed in harassing the poor country in Scotland, and the courtiers and duke of York in discovering the Rye-house plot, the loyal Oxford gentlemen publish their famous decree upon the 21st of July, against the books and tenets specified in it. The university declare the tenets they are pleased to condemn, contrary to scripture, councils, fathers, &c. and order the books they name to be burned, and appoint all their readers, tutors, fellows, &c. to teach the 'doctrine of absolute submission to the king.' A great many of the books the Oxford decree sent to the flames, are of a Scots extract, and this nation needs neither be ashamed of the authors or their productions. They are, 'Buchanan de Jure Regni, Knox's History, Calderwood's Altare Damascenum, Rutherford's Lex Rex, Naphthali, the Apologetical Relation, the History of the Indulgence, and to crown all, the Solemn League and Covenant.' I have, though it doth not immediately relate to my subject, insert in the notes, this decree for passive obedience, and slavish principles, because it is not in every body's hands to whom this history may come; and it contains a very lively evidence of the arbitrary and tyrannical measures that were a pursuing at this time, through these

1683. three nations. The reader hath it below.*

And if we look over to France in July this year, we shall find a pathetical petition

---

* *Decree of the University of Oxford, July 21st, 1683.*

Although the barbarous assassination, lately enterprised against the person of his sacred majesty, and his royal brother, engages all our thoughts to reflect with utmost detestation and abhorrence of that execrable villany, hateful to God and man, and pay our due acknowledgments to the divine providence, which, by extraordinary methods, brought it to pass, that the breath of our nostrils, the anointed of the Lord is not taken in the pit which was prepared for him; and that, under his shadow, we continue to live and enjoy the blessings of his government: yet notwithstanding, we find it to be a necessary duty, at this time, to search into, and lay open these impious doctrines, which, having of late been studiously disseminated, gave rise and growth to those nefarious attempts, and pass upon them our solemn public censure and decree of condemnation. Therefore, to the honour of the holy and undivided Trinity, the preservation of catholic truth in the church, and that the king's majesty may be secured from the attempts of open and bloody enemies, and the machinations of traitorous heretics and schismatics, we, the vice-chancellors, doctors, proctors, and masters regent and not regent, met in convocation in the accustomed manner, time and place, on Saturday, the 21st of July, in the year 1683, concerning certain propositions contained in divers books and writings, published in English and also in the Latin tongue, repugnant to the holy scriptures, decrees of councils, writings of the fathers, the faith and profession of the primitive church, and also destructive of the kingly government, the safety of his majesty's person, the public peace, the laws of nature, and bonds of human society, by our unanimous assent and consent have decreed and determined in manner and form following.

Propositions.

1. All civil authority is derived originally from the people.*

2. There is a mutual compact, tacite or express, between a prince and his subjects; and that if he perform not his duty, they are discharged from theirs.*

3. That if lawful governors become tyrants, or govern otherwise than, by the laws of God and man, they ought to do, they forfeit the right they had unto their government.*

4. The sovereignty of England is in the three estates, viz. king, lords, and commons; the king has but a co-ordinate power, and may be overruled by the other two.†

5. Birthright or proximity of blood give no title to rule on government, and it is lawful to preclude the next heir from his right of succession to the crown.‡

6. It is lawful for subjects, without the consent, and against the command of the supreme magistrate, to enter into leagues, covenants, and associations, for defence of themselves and their religion.*

7. Self-preservation is the fundamental law of nature, and supersedes the obligation of all others, whenever they stand in competition with it.†

8. The doctrine of the gospel concerning patient suffering of injuries, is not inconsistent with violent resisting of the higher powers, in case of persecution for religion.‡

9. There lies no obligation upon Christians to passive obedience, when the prince commands any thing against the laws of our country; and the primitive Christians chose rather to die than resist, because Christianity was not yet settled by the laws of the empire.§

10. Possession and strength give a right to govern, and success in a cause or enterprise proclaims it to be lawful and just; to pass it is to comply with the will of God, because it is to follow the conduct of his providence.‖

11. In the state of nature there is no difference between good and evil, right and wrong; the state of nature is a state of war, in which every man hath a right to all things.*

12. The foundation of civil authority is natural right, which is not given, but left to the supreme magistate upon men's entering into societies, and not only a foreign invader, but a domestic rebel puts himself again into a state of nature, to be proceeded against not as a subject but an enemy, and consequently acquires by his rebellion, the same right over the life of the prince, as the prince, for the most heinous crimes, has over the life of his own subjects.¶

13. Every man, after his entering into a society, retains a right of defending himself against force, and cannot transfer that right to the commonwealth, when he consents to that union whereby a commonwealth is made; and in case a great many men together have already resisted the commonwealth, for which every one of them expecteth death, they have liberty then to join together to assist and defend one another. The bearing of arms subsequent to the first breach of their duty, though it be to maintain what they have done, is no new unjust act, and if it be only to defend their persons, is not unjust at all.¶

14. An oath superadds no obligation to pact, and a pact obliges no further than it is credited; and consequently, if a prince gives any indication, that he does not believe the promises of fealty and allegiance made by any of his subjects, they are thereby freed from their subjection, and notwithstanding their pacts, and oaths may lawfully rebel against, and destroy their sovereign.¶

15. If a people that, by oath and duty, are obliged to a sovereign, shall sinfully dispose of him, and contrary to their covenants, choose and covenant with another, they may be obliged by their later covenant notwithstanding their former.**

* Lex Rex, Buchanan de Jure Regni, Vindiciæ contra Tyrannos, Bellarmine de Conciliis, de Pontifice, Milton, Goodwin, Baxter, H. C.

† Lex Rex, Hunton of a Limited and Mixed Monarchy, Baxter, H. C. Polit. Catech.

‡ Lex Rex, Hunt's postscript, Doleman, History of Succession, Julian the apostate, Mene Tekel.

* Solemn League and Covenant, Late Association.

† Hobbes de Cive, Leviathan.

‡ Lex Rex, Julian Apostate, Apolog. Relat.

§ Julian Apostate.

‖ Hobbes, Owen's sermon before the Regicides, Jan. 31. 1648, Baxter, Jenkin's petition, Oct. 1651.

¶ Hobbes de Cive, Leviathan.

** Baxter, H. C.

of the French protestants presented to their king. They held their meetings and conventicles in the fields as well as Scots presbyterians; and I have annexed it below.* Whether that grand oppressor of protestants copied from the management in Britain during this reign, or if rather the procedure of the two royal 1683.

16. All oaths are unlawful, and contrary to the word of God.*

17. An oath obliges not in the sense of the imposer, but the takers.†

18. Dominion is founded in grace.

19. The powers of this world are usurpations upon the prerogative of Jesus Christ, and it is the duty of God's people to destroy them, in order to the setting Christ upon his throne.‡

20. The presbyterian government is the sceptre of Christ's kingdom, to which kings, as well as others, are bound to submit; and the king's supremacy in ecclesiastical affairs, asserted by the church of England, is injurious to Christ the sole king and head of his church.‖

21. It is not lawful for superiors to impose any thing, in the worship of God, that is not antecedently necessary.§

22. The duty of not offending a weak brother, is inconsistent with all human authority of making laws concerning indifferent things.§

23. Wicked kings and tyrants ought to be put to death, and if the judges and inferior magistrates will not do their office, the power of the sword devolves to the people; if the major part of the people refuse to exercise this power, then the ministers may excommunicate such a king, after which it is lawful for any of the subjects to kill him, as the people did Athaliah, and Jehu Jezebel.**

24. After the sealing of the scripture canon, the people of God, in all ages, are to expect new revelations for a rule of their actions,†† and it is lawful for a private man, having an inward motion from God, to kill a tyrant.‡‡

25. The example of Phinehas is to us instead of a command; for what God has commanded or approved in one age, must needs oblige in all.§§

26. King Charles I. was lawfully put to death, and his murderers were the blessed instruments of God's glory in their generation.¶¶

27. King Charles I. made war upon his parliament; and in such a case the king may not only be resisted, but he ceaseth to be king.¶¶

We decree, judge, and declare all and every of those propositions to be false, seditious, and impious, and most of them to be also heretical and blasphemous, infamous to Christian religion, and destructive of all government in church and state. We further decree, that the books which contain the foresaid propositions, and impious doctrines, are fitted to deprave good manners, corrupt the minds of unwary men, stir up seditions and tumults, overthrow states and kingdoms, and lead to rebellion, murder of princes, and atheism itself; and therefore we interdict all members of the university from reading the said books, under the penalties in the statutes expressed. We also order the before recited books to be publicly burned, by the hand of our marshal, in the court of our schools. Likewise we order, that in perpetual memory hereof, these our decrees shall be entered into the registry of our convocation, and that copies of them being communicated to the several colleges and halls within this university, they be there publicly affixed in the libraries, refectories, or other fit places, where they may be seen, and read of all. Lastly, We command, and strictly enjoin all and singular readers, tutors, catechists, and others to whom the care and trust of institution of youth is committed, that they diligently instruct and ground their scholars in that most necessary doctrine, which, in a manner, is the badge and character of the church of England, of submitting to every ordinance of man for the Lord's sake, whether it be unto the king as supreme, or unto governors as unto them that are sent by him for the punishment of evil doers, and for the praise of them that do well; teaching that this submission and obedience is to be clear, absolute, and without exception of any state or order of men; also, that supplications, prayers, intercessions, and giving of thanks be made for all men, for the king, and all that are in authority, that we may lead a quiet and peaceable life in all godliness and honesty, for this is good and acceptable in the sight of God our Saviour; and, in especial manner, that they press and oblige them, humbly to offer their most ardent and daily prayers at the throne of grace, for the preservation of our sovereign lord king Charles, from the attempts of open violence, and secret machinations of perfidious traitors, that he, the defender of the faith, being safe under the defence of the Most High, may continue his reign on earth, till he exchange it for that of a late and happy immortality.

* Quakers.
† Sheriff's Case.
‡ Fifth-monarchy Men.
‖ Altare Damascenum, Apolog. Relat. Hist. Indulgen. Cartwright, Travers.
§ Protestant Reconciler.
** Buchanan, Knox, Goodman, Gilby, Jesuits.
†† Quakers and other enthusiasts.
‡‡ Goodman.
§§ Goodman, Knox, Naphtali.
¶¶ Milton, Goodwin, Owen.
¶¶ Baxter.

* *Petition of French Protestants, July*, 1683.

To the King.

Sir,

Your most humble subjects of the protestant religion, not having power to resist the motions of their consciences, are constrained to assemble together to call upon the holy name of God, and sing his praises; and by this religious acting, to expose themselves to all the violences and rigour, which a too fierce zeal can inspire into the breasts of your officers. And because God hath established your majesty for the monarch, they are obliged to justify their proceedings and behaviour before your majesty, with all the humility they are capable of.

These assemblies, Sir, do no way hurt or wound that fidelity which your petitioners owe your majesty; they are all accorded to sacrifice their fortunes and their lives for your service. The very same religion which constrains them to assemble together to celebrate the glory of God, teaches them that they can never dispense, under any pretence whatever, with that allegiance which is due to your majesty: nor has

1683. brothers among us, was in concert with him, and paved the way to his beloved project of rooting out the northern heresy, I leave to others to determine. A large parallel might be run betwixt the noble confessors in France, and the persecuted party in Scotland, betwixt the laws made against the reformed there, and those

your majesty any need to publish your declarations to enforce them to embrace a maxim so certain, and so well grounded upon Christianity. It remains then, Sir, that your petitioners insist upon nothing, but what is only due to God: for as to what concerns your majesty, their past behaviour gives testimony of the reality and purity of their intentions, and may serve as a security to your majesty for the future; and in a word, your petitioners are all ready with their blood to sign the oath of their allegiance. As to what concerns their duty towards God, your majesty hath so much piety to take it not amiss, that they render to that great God that worship and adoration which they owe him. They also presume to hope, that your majesty will have the goodness to reflect upon their behaviour, that you will compassionate the desolations to which their piety exposes them; and that perhaps you will extend your indignation against those who have by surprise obtained so many severe decrees and declarations against them, and yet would further provoke your wrath against subjects so faithful, and so innocent.

Your supplicants, Sir, are persuaded that God has not sent them into this world but to glorify him, and they will rather choose to lose their lives a thousand times, than fail of their duty so holy and indispensable. It is in your majesty's power to deprive them of all the advantages of this world, and also to doom to utter destruction. They are ready to sacrifice all, to suffer all miseries at your majesty's pleasure: but it may be, when your majesty shall consider, that your petitioners do not give way to the most faithful of all your subjects (which all the world confesses) in their duties to God, your majesty will not do that injury to his glory and to his goodness, as to destroy a people, for no other reason meriting your indignation.

The miseries of your petitioners, Sir, only arise from the reverence they have for the Divinity, whose word they look upon as the only rule of their religious worship. Were the dispute alone concerning the opposing men for the service of your majesty, though all the world should rebel against your majesty's will, though all your other subjects should fail of their fidelity and obedience, your petitioners would inviolably stand by their great monarch, and with pleasure spend the last drop of blood in his service. But their misery is so great, that the declarations put forth against them, to the prejudice of so many edicts and decrees made by your majesty and the kings your predecessors, appear to them incompatible with the commands of the great Creator of heaven and earth. For God hath ordained them to instruct their children and their families, and to declare unto them the word of life. He also pronounces his dreadful anathemas against those who shut the gates of heaven against those to whom he freely opens them. He commands them to offer to him hymns and spiritual songs. Nevertheless, Sir, those declarations that have been surreptitiously obtained against us, forbid us to sing the psalms of David, which do contain the praises of God. In short, Sir, it is the pleasure of God that we

---

should assemble together in his name, to render him the solemn adoration and honour which is due to him. Nevertheless, Sir, those declarations which your petitioners' enemies have obtained against us by repeated surprises, forbid them to assemble together, to render to that great God the service which is due to him. During this inability of your petitioners, to reconcile the will of God to what is exacted from them, they find themselves constrained by their consciences, to expose themselves to all sorts of calamities, for the continuance of giving glory to the majesty of God, who will be served according to his word. If the doctrine of your petitioners were abominable, if their worship was scandalous, if they preferred the creature in the place of the Creator, there might be some reason to solicit your majesty to [illegible] but all their crime, and all their [illegible] theirs and the catholic religion, consists in that they prefer the word of God before the traditions of men, and the true [illegible] great God, (who protests to [illegible] our, and that he will not yield [illegible] before the religious worship of the [illegible] All religion, Sir, to speak properly, only in belief, in prayers, and in [illegible] your petitioners believe, and hold the [illegible] the holy apostles, and the Lord's prayer [illegible] the model of those which they present [illegible] and the commandments of that God [illegible] and guidance of their conduct and conversation. They know, and have no need, according to St Paul, of knowing any other but only Jesus Christ, and 'him crucified.' They acknowledge God for the only true God, and for him who sent Jesus Christ; for on this belief it is that our Lord hath founded life eternal. Their enemies make strange interpretations of their opinions, and their worship. However, Sir, your petitioners implore the mercy of God. They trust in the incomprehensible charity, and infinite merits of their adorable Saviour, whom they do embrace with a constant and lively faith. They have recourse, with all humility, to the healthful succour and grace of his holy Spirit; and to this Trinity it is, that they render their adoration and homage, invoking it after the same form that the scripture hath prescribed in his word. They meditate upon his wonders. They sing his praises: and they make it their continual study to live holily among themselves, justly toward their neighbour, obediently toward your majesty, and religiously toward God. They therefore supplicate your majesty to be the judge, whether your petitioners are unworthy of your paternal goodness, and the honour of your protection; whether they merit to be thrown into that extremity of destruction wherein they are at present overwhelmed, sufficient enough to move the groans of the most insensible. And lastly, Sir, whether it be possible that they should live without continuing to assemble together, to render to God the service which they owe him.

After all this, your petitioners cannot but pray to the great God, who advances your throne above all the thrones of the earth, to in-

against presbyterians here, and the rigorous execution of both; but these would take up too much time and room. I only mention what might be done this way, that the reader may notice this moving and affectionate petition, as a material vindication of the persecuted party here. And because of the near relation to the same subject, I insert likewise below* another petition of the same French protestants, presented by the marshal Schomberg, and the marquis of Ravigny, whether 1683. before or after the former I cannot at present determine.

September 19th, a letter comes down from the king to the council, ordering the fugitive rolls to be printed. This was delayed for some time. December 17th, I find the lords of justiciary order the fugitive roll of Lanark, to be amended, upon a

---

cline your majesty's heart toward your subjects, whose innocency and allegiance is apparent to the eyes of the whole world. And if these your poor people shall not yet be able to move the compassion of their august monarch, for whom they shall always retain a sincere love, and awful reverence, a singular veneration, and inviolable fidelity, they do protest before the face of that great God for whose sake they are exposed to so much misery, that they will render him honour and glory in the midst of their most terrible calamities. But, Sir, your petitioners hope much better things from the [illegible] goodness, and piety of your majesty; for which reason, they prostrate themselves at your royal feet, and most humbly implore your majesty to recall all the declarations, decrees, and other judgments, which have reduced them to that deplorable condition wherein they are, and deprive them not of the liberty of their consciences and exercise of their religion, by virtue of so many solemn edicts, confirmed by so many declarations granted them by your majesty, without which it is impossible for them to live.

[And your petitioners shall continue to pray for the preservation of your majesty's sacred person, your royal family, and the honour and prosperity of your kingdom.]

* *Another petition presented by Marischal Schomberg for the French Protestants.*

SIR,

We your subjects of that religion (which we call the Reformed) do, with most profound reverence, cast ourselves at the feet of your majesty, that so we may represent the many aggrievances which have been heaped upon us, one after another, and may most humbly beg some effectual resentment of the same, from your justice and goodness.

The edicts of the kings your predecessors, and particularly those of Henry the great and Louis the just, which your majesty most authentically confirmed at your happy inauguration, and since by divers and sundry declarations, have always had regard to those of the said religion, which consists of a considerable part of those people which God hath committed to your charge; and as such, they have not only been permitted to exercise their employments, and arts, and trades, whereby they gain their livelihood, but also have been promoted to places of trust and honour, as effects of their merit and virtue: they have also enjoyed a liberty of conscience, by a free exercise of their religion and discipline in all places privileged by the aforesaid edicts, and commissioners also have been appointed to take care, that there should be no infringements or violations thereof. There have been also courts of justice consisting of men of both religions, that at all times the protestants might be assured of impartial justice, both as to their persons and estate. And the gentlemen particularly had right, to place in their fie-farms those of one or the other religion, without any difference: in short, your petitioners enjoyed almost the same freedom and advantages, as the other subjects of your majesty. It is true, Sir, that these were the concessions of the kings your predecessors, and of your present majesty, and have been established with such circumstances, as the edicts themselves call a perpetual and an irrevocable law, designed purposely to keep your subjects both of one and the other religion in perfect amity. And your petitioners can confidently aver, that they have so demeaned themselves under this law, and privileges, as never to have rendered themselves unworthy thereof: but on the contrary have gained this advantage, that your majesty hath made many solemn and gracious declarations, testifying the entire satisfaction your majesty hath conceived of the zeal and loyalty of your petitioners, in times of most hazard and difficulty. And now, Sir, we need not search the histories of many years to demonstrate the difference of our present condition, from those times; for it is now but a few years since your petitioners have not only been made incapable of being admitted into public offices, but discharged of those in which they were invested, and in which they had always served with honour and fidelity. For, contrary to the true intent and words of this edict, they have taken from your petitioners the privileges of equally entering with others into the commission of consulates, and the municipal offices of towns, even in those very corporations, wherein your petitioners are the greatest in the administration of the civil government, and management of that money which is levied upon them. They have not now in many places any admittance to the meanest office in the public, nor are they licensed to exercise those arts and trades whereby they gain their livelihood and subsistence. They have shut up almost 300 protestant churches, which in the space of ten years have been demolished, notwithstanding that some of them have been expressly named in the edict of Nantz, and others comprehended within the limits and sense thereof. The commissioners, who are always ready to receive process against your petitioners, yet stop their ears to their complaints; and if they do take notice of them, it is with a corrupt and partial sentence, and oftentimes the catholic commissioners pronounce judgment against your petitioners, without the intervention and assent of those of their religion. Those who have

1683. declaration of Sir John Harper and the laird of Wishaw, that many

changed from the protestant to the catholic religion not finding that quietness of conscience which they expected therein, so that they have returned again to their first profession, have been exposed to most rigorous penances, under the term of relapsers, and the ministers and consistories have been liable to be suppressed. If any of the catholic religion become protestants, they presently persecute those to whom they applied themselves for clearing their doubts or declaring their belief, pretending that thereby they come within the compass of that crime, which is called subornation. The chambers of this edict are not only incorporated with the parliaments, against the express sense of the edict, but are extinguished wholly, and suppressed. The children of your petitioners, though born in their religion, are often taken from them, before they have attained to that age which the edicts allow them, before they are obliged to declare the religion which they resolve to profess: and if hereupon they address themselves to your commissioners, advising them to put in execution the edict, they either refuse to take cognizance thereof, or else elude it in that manner, that for several years together they take not the least notice of their complaints, nor have the ordinary judges any regard thereunto. They will not suffer the protestants to entertain more than one schoolmaster in the town where they live; and though the children amount to 2 or 3000 in number, yet they will not allow more than one master for them all.

Your petitioners have been much surprised, by a declaration issued out for changing the form and tenor of their synods, by placing certain catholic commissioners for assistants therein; which being entirely contrary to the meaning and substance of those edicts, and declaration of Louis XIII. set out in the year 1623, and to the custom always observed, hath no other foundation than those pretences which reflect on the honour of your petitioners, and that fidelity which they have ever professed towards the service of your majesty. The bishops, under colour of their visitations, and by virtue of an order of arrest from your privy council, have pretended to suspend the exercise of the religion of your petitioners for several weeks. The clergy which have entered the protestant churches, to hear the sermons which are there preached, do object unto the ministers matters which they never uttered, or take advantage of certain terms which cannot be avoided in controversy, to form a criminal process against them before a judge, who is prepossessed with a prejudice against them; and in the meantime the clergy do not cease to justify themselves against the said orders by such courses as are expressly forbidden by the aforesaid edicts. The chief justices of several places, to whom matters relating to the edicts did never appertain, do now undertake by unknown methods of procedure, to interdict or suspend the ministers of whole provinces. In fine, so far are they proceeded, as to make a declaration, forbidding protestant women to make use of other surgeons, or midwives, than those which are catholics, that so their children may be dipped in water by them in case of necessity: which as it is directly

named in it were dead, and some not in being; and next day, the council delay the

opposite to the sense of the edicts, so it is also to the principles of that religion which your petitioners profess; for their consciences will not allow them to consent hereunto, because that as on one side, they cannot believe that baptism is of an absolute and indispensable necessity, where death prevents the due care and cautions we use to obtain it; so on the other side, your petitioners have that just reverence to so great a sacrament, as not to commit the same to the administration of lay persons, nor believe that anything or sprinkling with water, can ever supply the place of baptism.

These proceedings, Sir, and many more of them very considerable, [illegible] mentioned in general, than [illegible] majesty in a recital of [illegible] either notoriously known to the world, [illegible] justified and made good by attestations which your petitioners have in their hands, together with judgments, arrests, and declarations, all the world, which observes the low condition unto which your petitioners are reduced, begin to consider them, as persons exposed to the malice and persecution of those who desire the total destruction. Nothing more contributes to the general consternation of those who profess the protestant religion in all parts of our kingdom; so that many for fear, or for necessity, have been forced to abandon their dwellings, and seek their repose in the dominions of strangers; such as remain here, are detained by the love they bear to their native country, or by the difficulty they find in the disposal of their estates; though the greatest part are [illegible] with an affection to [illegible] government. In all these [illegible] petitioners have no other [illegible] under God, than the [illegible] your majesty, by which they have formerly had access to your sacred person, which hath ever lent a gentle ear to the just complaints of your petitioners, having nominated commissioners of your council particularly to examine their case, and make report thereof to your majesty: but the great wars which your majesty hath lately maintained, have diverted this care to greater thoughts, whereby the exile and oppression of your petitioners have been multiplied and increased. And now, Sir, [illegible] joys the triumph of the [illegible] which God hath favoured your designs, and that your people expect likewise to share some part of the fruit of their labours: your petitioners hope, through the justice and [illegible] goodness of your majesty, that no alienation shall be made between your petitioners and your other subjects, lest whilst some are in joy, and at rest, the others should mourn, and groan under oppressions. For which reasons, and because your petitioners have ever retained the same zeal and fidelity to your service, may it please your majesty to make known to the lords of your council, presidents, and attorney-generals of parliaments, to superintendents and commissioners executing the law, that your royal will and pleasure is, that the edicts be observed and executed; and particularly to discharge such commissioners [illegible] by your majesty, or shall be hereafter named

printing of the fugitive rolls till March next, being informed by the justices, that they are not yet in readiness. There is no doubt some people made a good deal of money by this delay.

To end the accounts of this year, upon the 28th of November, the general meeting of the united societies drew up a protestation against the Scots congregation, ministers and session, at Rotterdam, and sent it over to Mr Hamilton their agent, without any orders to print or publish it, as, I find, they themselves notice in the register of their proceedings. Mr Hamilton put them upon these violent measures, and being personally piqued, and, as he thought, affronted by the minister and session there, at his own hand printed the paper. It runs mostly upon the indulgence, and the session at Rotterdam their admitting such as had heard the indulged ministers, and given bonds of peace, &c. in Scotland, to communicate with them. The paper hath been more than once printed, and I need not reprint it, especially when the societies, in their 'apologetical vindication,' recede from several things in it; and afterwards, when Mr Hamilton began to discover himself, and they came to be less under his management, they own, that though they had matter for a protestation, yet the manner of going about it, without previous acquainting the persons concerned, was what they did not approve; and they acknowledge several expressions and words used in that paper, some of them were unsuitable, and others untender, bitter, and offensive. 1683.

that they examine the memorials and papers of justification, which your petitioners shall produce, and to inform your majesty thereof; and especially to the secretaries of state, that a due report may be made thereof, and of those aggrievances and burdens which are most oppressing, that so your majesty being truly made sensible thereof, may act therein according to your gracious pleasure. And your petitioners shall continue their vows, and prayers for the glory of your majesty, and for the prosperity of your sacred person and kingdom.

END OF VOLUME THIRD.

GLASGOW:
HUTCHISON & BROOKMAN, PRINTERS, VILLAFIELD.

00110813

Digitized with financial assistance from the
Government of Maharashtra
on 16 January, 2016